

Political-1934

Supp
SAN ANTONIO, TEX.
NEWS

JUL 13 1934

HUNTER SPENDS DAY IN SAN ANTONIO; EXPECTS 16,000 VOTES IN BEXAR COUNTY; RAPS ALLRED



TOM F. HUNTER

FRANK HAINES

"Things look awful good." Tom F. Hunter, candidate for governor, hears from his local campaign manager, Frank Haines, standing, as Hunter brought his campaign to San Antonio today.

THE law barring negroes from voting in democratic primaries had already been fixed, and no credit is due Atty. Gen. Allred for his opinion to bar them, Tom F. Hunter, candidate for governor, said upon his arrival today. Besides commenting on the campaign, Hunter recalled that he was the first candidate for governing delegations of supporters nor who came out for the organization of a strong state law enforcement body that would be weapons equal to their own. This is the first address he has made here in San Antonio.

Allred is also a candidate for governor. Hunter is devoting an entire day in San Antonio, and will speak of the candidate to this city and in front of the Municipal Auditorium tonight.

Today marked the second visit of the candidate. A busy program had been arranged for the candidate in advance of his arrival in San Antonio.

Texas

tonio. In addition to receiving first primary. Haines returned supporters in his hotel suite, Hunter-Wednesday from an extended stay at 4 o'clock this afternoon is business and political trip. He scheduled to address a rally of his precinct leaders and workers in the East Room of the Municipal Auditorium. Several hundred persons were expected to be present at this rally.

In his address tonight in front of the Municipal Auditorium, Mr. Hunter is scheduled to deal with every issue in the gubernatorial campaign and has promised not only to answer every question that has been raised by his opponents in the race, but also to deal with the platforms and records of the other six candidates, particularly Atty. Gen. James V. Allred. The candidate also has let it be known that he will touch at length upon what he declares are untrue charges being made against him in a whispering campaign that he alleges has been instituted throughout the state in an effort of opponents to befuddle the real issues of the campaign and distract attention from their own records.

When Mr. Hunter was a candidate for governor against Ross Sterling and "Ma" Ferguson in the last gubernatorial campaign, he polled more than 220,000 votes in the state and was third high in the race. In Bexar County two years ago, there was no Hunter campaign organization, but in spite of that fact, the candidate polled more than 4,000 votes.

In the present race, there is a strong organization at work in Bexar County and San Antonio for Mr. Hunter, with Frank Haines, former president of the San Antonio school board, as campaign manager. There are active Hunter-for-governor campaign organizations in nearly 150 of the more than 160 voting precincts in the county. The candidate is strongly supported by union labor and other organizations in the city and district. Workers for Hunter have promised the candidate a minimum of 16,000 votes in Bexar County in the first primary, July 28.

At the campaign rally in front of the Municipal Auditorium tonight, Mr. Hunter will be introduced by former Judge O. M. Fitzhugh, president of the Taxpayers League and an outstanding leader in civic and political affairs in this section. On the speakers' platform will be a number of civic and political leaders who are supporting the candidate actively.

In a statement given out today, Frank Haines, Bexar campaign manager for Hunter, predicted the candidate will be high man in the

"Sentiment for Hunter is overwhelming everywhere I have been," Haines declared.

Hunter-for-governor campaign headquarters have been opened on the sixteenth floor of the Smith-Young Tower.

HOUSTON, TEX.

CHRONICLE

JUL 13 1934 NEGRO SEEKS WRIT AGAINST BAN ON VOTING

Litigation to Assure Houston Negroes of Participation in Primary Begun in United States Court.

Litigation to assure Houston negroes of participation in the Democratic primary of July 28 was begun in federal court Friday by C. F. Richardson, negro, editor of the Houston Defender.

Defendants named by the negro editor are J. B. Lubbock, chairman of the Democratic executive committee; Jo E. Shaw, secretary of the committee, and the committee-men, C. B. Swygert, George Tharp, O. H. Meuthert, D. D. Jarvis, Charles W. Lidstone, C. F. Leonard, Mrs. E. F. Bussard, S. E. Allwright, John Milby, Maryon Miller and George A. Wilson.

Richardson asked for a temporary injunction to restrain the defendants from enforcing or attempting to enforce a resolution passed May 24, 1932, by the state Democratic executive committee to bar negroes from voting in the Democratic primaries. It also asks that defendants be restrained from enforcing or trying to enforce a resolution of the county executive committee passed last Saturday and requiring each voter to "satisfy" election officials he voted the Democratic ticket at least three times in the last six years.

The application for injunction further requests the federal court to enjoin the defendants from preventing or attempting to prevent Richardson or any other negro,

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C. F. Allred would come to Houston in

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noon, of Townsend and County

Judge W. H. Ward as members of

the county election board, and

personal attorney

refused for Townsend.

Alfred to Aid in Fight
On Negro Vote Suit

Attorney General James V. Allred will join County Clerk Albert Townsend in contesting the suit for injunction against the county clerk, recently filed in

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Besides commenting on the campaign, Allred ruling concerning negroes Hunter is a guest at the Hotel. During the day, he is receiving delegations of supporters from various organizations, which are backing his candidacy, and from others who are interested in his campaign. A number of contingents of active supporters from nearby towns and communities also are scheduled to visit the candidate. Today marked the second visit of the candidate to this city and a busy program had been arranged for the candidate in advance of his arrival in San Antonio.

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VOICE CRYING IN THE WILDERNESS

While the daily newspapers of Houston are as silent as the proverbial clam in their editorial discussions and dissertations about illegal and pernicious efforts to exclude Negro Democrats from the partisan primary elections in this state, county and city on July 28 and August 25, 1934, the Dallas Morning News, often regarded as the best edited, most liberal and uniformly fair and unbiased of all daily newspapers published in Texas and the Southwest, is crying aloud in the wilderness and urging the party leaders to throw open the primaries in Texas to all qualified Negroes.

It is amusing to observe how Houston Negroes will support, subscribe to any pay for newspapers which never raise their editorial voices in defense of the constitutional and inherent rights of the minority and disadvantaged racial group (Negro), and which remain silent, apathetic or indifferent when Negroes are being disfranchised, segregated, jim-crowed and victimized by various forms of injustices and inequalities.

Not only have the three daily newspapers (white) of Houston exhibited a chronic case of "editorial lockjaw" on the Negro's suffrage rights as Democratic electors, but one of these papers, apparently, has gone out of its way to agitate and intensify the interracial situation by giving prominence to incendiary and inflammatory articles and news stories, and by injecting extraneous and irrelevant matters into such discussions and news.

Houston has the largest Negro population of any Texas city (approximately 70,000), and even many Negroes who are on the relief rolls and living on organized charity find some way to purchase and read these daily newspapers; but when the race's very liberty is at stake and the rights guaranteed to all citizens under the state and federal constitution are abridged as they relate and apply to Negroes, our local white editors find it very convenient to discuss some "alarming situation" in Europe, or to excoriate and anathematize Hitler or some other foreign dictator or tyrant; apparently unmindful of the fact that Hitlerism, tyranny, despotism, antipathy and mobocracy are more domestic than foreign.

As The Defender has stated repeatedly in these columns, moral cowardice is the scourge of the United States and our ills and evils—political, social, economic, religious, moral, civic and what-not—are largely the result of the absence of some articulate voice crying in the wilderness against such practices, customs and traditions.

Maybe some day Houston Negroes will wake up and realize that their only salvation lies in their own efforts, and that the Negro press is the race's only medium of expression on matters of such vital importance and far-reaching consequences.

The United States Supreme Court has handed down two opinions upholding the rights of Negroes as participants in Democratic party primary elections in Texas; the United States District Court for the Western District of Texas, during the early part of 1934, gave a similar ruling; the Texas Supreme Court refused to throw out some 20,000 Negro votes cast in the run-off primary of 1932 for Mrs. Miriam A. Ferguson, as prayed for in the injunction petition filed by former Governor Ross S. Sterling, who was defeated by Mrs. Ferguson by 3333 votes in said primary election; even the statutes of Texas are clear in defining who may vote in all public elections in this state.

Yet in the face of all these court decisions and state and federal laws, not one daily newspaper of Houston, notwithstanding their large Negro reading clientele, has suggested that the party leaders obey the law and not hold themselves in contempt of the highest legal tribunal in the country nor jeopardize the elections by trying

to exclude legally qualified voters from such partisan primary elections.

But if such high-handed and tyrannical action were attempted by certain Democratic party leaders against Mexicans, Italians, Jews, Germans or any other people of foreign extraction, these daily newspapers would raise such a howl that it could be heard from Dan to Beersheba.

And yet we have a large colony of ebony-hued Houstonians who can see no good in a Negro newspaper—not until they want some social item recorded or something laudatory carried about them or theirs in its columns which the daily papers refuse to insert, or when the race is being divested of certain fundamental, elemental and constitutional rights by certain pseudo-tyrants, despots, dictators and Negrophobes.

The Defender is making no open or veiled attack upon the white newspapers of Houston, for they pursue an editorial policy in keeping with their own notions and opinions; but we are citing these facts to open the eyes of our people, most of whom are either too blind or unconcerned to see such, in order that they may adopt a different program and pursue another course hereafter and thus cease serving in the retarding role of "fattening frogs for snakes."

Negroes ought to have learned ere now that blood is thicker than water, and that self-preservation is the primal law of nature, and that even God helps those who help themselves!

GOOSE CREEK, TEX.

SUN

JUL 5 1934

Black Ballots

Apparently the attitude of the Democratic party in Texas toward the United States Supreme Court decision in the Nixon case is one of laissez faire. Whether that aloof position can be maintained in the face of a growing desire of the negro voter in Texas to participate in the primaries in this State remains to be seen.

The Terrell election law of Texas practically incorporated party machinery in the mechanics of government, a situation which has brought about the ruling of the Supreme Court that the Negro's constitutional rights are denied to him, if he is refused a vote in the primary. Texas could meet the situation by legislation which would take hands off the control of parties but this is unlikely to occur.

So far as the negro voter is concerned, there is no reason for keeping him out of the Democratic party. He is part of Texas and his political strength may grow to such proportions as would make him a welcome participant in party effort. The intelligent capable Negro should vote and in Texas his ballot is wasted unless it is cast in a Democratic primary.

The party should be the judge of its own membership qualifications. It would be, but for the peculiar political structure in Texas under the Terrell election law. But common sense should tell the Democratic party that it is no longer necessary, as

was in the '70's, to maintain a strictly white man's party. It is no longer dealing with the dense ignorance of the freed slave of that day. Where black ignorance remains, it is chargeable to the failure of the white dominated school system. It would be a splendid deed for the Democratic party itself to assume responsibility for curing that condition wherever it is found.

DALLAS, TEX.

JOURNAL

JUL 6 1934
No Poll Tax?

MR. WITT is running for Governor on a platform calling for abolition of the poll tax. It is his theory that the poll tax was adopted in the first place to prevent Negroes from voting and that it is obsolete. The Journal is not favorably impressed with his argument.

The man who hasn't \$1.75 to contribute to the cause of intelligent citizenry—most of the poll tax goes to school purposes—is probably a man who is receiving a dole from the Government. Especially is that true at this time. Unquestionably Mr. Witt is willing at the same time to bar from the polls all people who are receiving doles from the State or Federal Government. he will release upon the cause of good government a horde of people whose principal objective is to get for themselves all that they can out of tax moneys to which they contribute nothing directly, and only such indirect taxation as may be involved in the few cash purchases their dole funds permit them to make.

FORT WORTH, TEX.

MORNING STAR TELEGRAM

JUL 6 1934
Negro Voting Ban
Lifted in Jefferson

BEAUMONT, July 5 (AP).—Jefferson County's Democratic Executive Committee late today rescinded a resolution previously passed restricting voting in the primaries to white citizens. Effect of the action was to lift the ban on negro voting.

The vote on rescision of the resolution was 14 to 14 and it was necessary for J. R. Edmonds, county Democratic chairman, to break the deadlock. He voted to rescind the resolution, explaining he believed the county executive committee had no right to include the word "white" in the pledge set up by the state executive committee for state candidates.

ward better laws or better days.

The Journal doesn't represent that abolishing the poll tax will ruin Texas. It is surprising how much Texas can stand—as the political history of the last twenty years will show. But it isn't going to be any help to-

Political-1934

9-1-34
Suffrage

WHITE AND HURJA CLASH OVER VOTE BARRIER IN TEXAS

New York City.—(Sp.)—Emil Hurja, assistant to James A. Farley, chairman of the Democratic national executive committee, charged last week that the protests of Walter White, secretary of the National Association for the Advancement of Colored People, to several Democratic senators against the failure of Mr. Farley's office to act on the barring of Negroes from Texas Democratic primaries "constitutes an act of discourtesy." The accusation was contained in a letter addressed to Mr. White on August 18 following the receipt by Mr. Hurja of copies of letters written by the N. A. A. C. P. secretary, telling senators of futile efforts to get any action from him.

Replying to the accusation of discourtesy in a letter dated August 23 Mr. White declared: "I would, however, far rather be accused of 'discourtesy' than be guilty of failure to take every possible step to prevent gross violation of the federal constitution and the flouting of decisions of the United States Supreme Court by the officials of certain state Democratic committees."

"In the present instance we are faced with a fact and not a theory. The fact is that continued correspondence between Mr. Farley and yourself on the one hand and this association on the other has failed signally to elicit a single definite statement from you that the Democratic national committee, its chairman, or its assistants to the chairman have taken or will take any steps whatever, even in the way of advice, to prevent the barring of qualified Negro voters from participation in the state primaries."

Citing communications dated May 22, June 13, July 20, July 23 and August 1, received from Mr. Hurja's office which were mere acknowledgments of his letters urging action and failed to state definitely what action, if any, would be taken, Mr. White expressed astonishment that in three months time Mr. Hurja had not "at least some contact" with Mr. Farley in order to take up such an important matter as violation of the federal constitution and flouting of the U. S. Supreme Court decisions on the primary voting issue.

"This illegal action by state Democratic committees in the South," Mr. White's letter continues, "is a matter which does not belong exclusively to the assistant to the chairman of the

Democratic national committee. It is a matter of concern not only to him, but to the wellbeing of the party as a whole. In a larger sense it resolves itself into a question as to whether or not the Democratic national committee through yourself or Mr. Farley is going to remain inactive and therefore give approval of and consent to an illegal act.

"I presume you will consider this a further act of discourtesy, but we are supplying copies of your letter of August 18 and of this reply to the same Democratic senators to whom we have previously written in order that they may be kept informed of the apparent unwillingness of the national committee to act in this grave situation."

Mr. White declared today that the association would keep up this fight for the right of qualified Negro voters to vote in the Democratic primaries in the Southern states to a showdown.

TEXAS BARBER DENIED BALLOT IN PRIMARIES

9-1-34
Houston Citizen Was Unable
To Cast Democratic
Absentee Vote

HOUSTON. — R. R. Grovey, well-known political leader and primary election of July 28, were heard in Houston Monday, when R. R. Grovey, a

barber, filed a civil suit against Albert Townsend, defeated clerk of Harris county, for \$10 damages as a result of being denied the constitutional right to cast an absentee ballot in the first partisan primary election during the past summer.

Petition is Brief
Mr. Grovey is represented by Attorneys J. Alston Atkins and Carter W. Wesley of Houston and A. S. Wells of Dallas. The case was filed in justice court, presided over by Justice of Peace Campbell R. Overstreet, will be Monday, September 24.

The petition, much shorter than those heretofore filed in the federal court, alleges that the plaintiff

(Grovey) was legally qualified and entitled to vote under the statutes of Texas and the Fourteenth and Fifteenth amendments to the federal constitution; that the defendant (Townsend) is a duly elected state officer whose duties are ministerial and that in such capacity it was mandatory upon him to permit every qualified voter seeking to cast an absentee ballot, to do so; that having been refused such ballot plaintiff has been damaged to the amount of \$10.

Says Court Reversed Self
The petitioner contends that the Democratic state convention, also a governmental instrumentality, was and is without authority to deprive any qualified voter of his franchise rights as a partisan elector, and it also attacks the decision of the Texas supreme court handed down July 20 of this year, in the case of Bell et al vs. Hill et al from Jefferson county.

The petitioner asserts that the state supreme court reversed itself from the position taken in the case of Love vs. Wilcox, when that august tribunal upheld the validity of article 3107, empowering state executive committees of political parties in Texas to prescribe qualifications for party membership.

EL PASO TEX.
HERALD

JUL 28 1934

On Negroes Voting

THINKING OUT LOUD:

I am writing in reply to letters to the Herald-Post by Mrs. Lozier of Las Cruces and Mrs. Tuile, El Paso. The subject is, "Why Bar negroes in voting in the Democratic primaries."

They say: "Let's give the colored people a square deal. The Civil war freed them from slavery and the Southern States provided schools for their education. For what purpose: To make better citizens. And many colored folks have taken advantage of these schools and have made progress and have proven themselves good citizens."

But, my good sisters, you must remember you are living south of the Mason Dixon line and through the south as well as Texas the colored folks are not social equals to the whites. For peace and harmony it is for the best. When the colored people can vote in the Democratic primaries that is the starting point toward social equality.

EL PASO TEX.
HERALD

SEP 12 1934

DEMOCRAT 'TRICK' HALTS NEGRO SUIT

Attorney Says He Cannot
File Now

Att. Fred Knollenberg, representing L. A. Nixon, negro physician, in federal court suits to establish the negroes' right to vote in primary elections today said that the Democratic primary officials failed to count the ballot. The ballot was marked "negro."

"The Democrats tricked me," Mr. Knollenberg said. "I do not believe that I can file a suit under the circumstances."

HOUSTON, TEX.
POST

JUL 29 1934

Negroes Cast Votes at El Paso

EL PASO, July 29. — (AP) — Precinct election officials Saturday permitted negroes to vote in the Democratic primary.

Dr. L. A. Nixon, negro physician, said that election officials marked "colored" on the face of his ballot, and expressed the belief that it will not be counted.

The negro physician has won three court suits to test the right of Democratic officials to bar negroes from the polls. He plans another suit to force a count of his ballot in Saturday's election, he said.

FORT WORTH, TEX.
PRESS

JUL 28 1934

NEGROES OUTVOTING WHITES IN PRECINCT

Election Judge Rules All On
List May Vote

More negro than whites votes were being cast today in Precinct 59 at 1001 Missouri Avenue, heaviest colored polling box in the city. Of the total voting strength of 403 there, 239 are negroes.

And despite the ban against negro ballot casting in most of the other city boxes, Election Judge J. W. White was giving the ticket to every negro whose name is certified on the County Election Board list.

"If these negroes have paid poll taxes and have been certified by the board itself, I don't see how they can be refused the vote," he said. He believes that other election judges are wrong in banning participation. He pointed out that County Chairman Hugh Small, at the county convention, left the matter up to precinct judges in the light of a U. S. Supreme Court ruling that negroes could not be barred from primaries.

He has received no protests from white voters. Voting at the box was orderly.

ALLRED'S INJUNCTION SUIT

The legal effort to prevent the name of James V. Allred appearing on the general election ballot of November 6, 1934, as the Democratic party nominee for governor, met a judicial setback in San Antonio last Saturday, when the Fourth Court of Civil Appeals, in a unanimous decision, dissolved the temporary injunction previously granted by a district court judge of Bexar County. *Houston Defender*

Upon the petition of three residents of Bexar County, who contended that Nominee Allred spent more than the \$10,000 allowed by statutes for a partisan gubernatorial candidate in a primary election in Texas, Judge W. W. McCrory, presiding over a district court in that county, issued a temporary order against the secretary of state restraining him from placing Allred's name on the official ballot. *9-29-34*

In his answer to the suit, Nominee Allred did not deny the huge expenditure of money as alleged by the plaintiffs, but challenged the constitutionality and legality of the statute limiting such primary election expenses, and argued that only the legislature has the power to bar a candidate's name from the ballot. *Houston, Texas*

Caught off guard by the injunction suit, Allred and his forces pinned their faith on a higher court decision, and the appellate court held that the state statute was unconstitutional in this respect, and now the case will be appealed to Texas Supreme Court, which will more than likely sustain the decision of the appellate court.

Without trying to sit in judgment on the case and pass upon the merits or demerits of the suit, The Houston Defender long since learned that the judges and courts in Texas, even the federal district courts and judges, are very solicitous about the perpetuity and protection of the Democratic party, and practically every time some legal attack is made up the statutes hold it is a political and not a judicial question, or the statute is governing such partisan elections in Texas, either the courts declared null and void on that particular issue.

In other words, the courts in Texas, both state and federal, appear to be motivated by the judicial notion that they are guardians and defenders of the Democratic party, and that whenever any law interferes with or challenges certain partisan rights and procedure, such law must be set aside or adjudged invalid and unconstitutional.

By dissolving the temporary injunction issued by the district court in Bexar County, the appellate court made it legally impossible to go into the merits of the case in a trial court and hear and determine the cause as provided by the civil statutes of Texas.

While invalidating the civil feature of this state statute, the appellate court held that the penal or criminal side of the law is still legal and constitutional; which means that a candidate can spend all the money possible in a race for the office of governor, and that only criminal action will lie against him afterward.

For some time it has been apparent to every unbiased and rationally-minded student of political science in Texas that the Terrell election laws, enacted for the express purpose of establishing and perpetuating a political class system in this state

based on racial rather than constitutional grounds, are going out to become a partisan Frankenstein and destroy their creators and manipulators, and then great and awful will be the debacle of the Democratic party in the Lone Star State!

"Statutory Monstrosity"

In his concurring opinion in the decision of Appeals Court at San Antonio, holding that the district court could not include in Mr. Allred's campaign expenditures because the law authorizing the inquiry was unconstitutional, Justice E. W. Smith made the following significant statement:

"The case reveals but one of the numerous incongruities of the STATUTORY MONSTROSITY known as the Terrell election law."

He might have added that it took a monstrosity to provide a legal election, which would to every intent and purpose be a general election, and yet which would permit the disenfranchisement of one million Negroes of the state.

That this was the prime purpose of the Terrell election law is well known to all who are familiar with its history. But practical politicians have seen in it from time to time an opportunity to further entrench themselves. In every instance, however, the appellate courts of Texas have found ways and means to protect white candidates and voters, while leaving the law fully effective to bar Negroes.

This is what makes the law monstrous, and it will remain a monstrosity until it becomes an instrument for the protection of all alike.

SHERMAN, TEX.
DEMOCRAT

AUG 8 1934 Two Suits in Negro Voting

Bowie County Petition Sent
Here, Move to Dismiss
Local Suits

The negro voting problem which has occupied the attention of the state democratic executive committee, county committees and election judges for six weeks, took two definite turns in federal court here Wednesday morning.

Judge Randolph Bryant was handed a petition filed by a Texarkana negro, Virgil Goree, against the state democratic executive committee and the Bowie county executive committee, asking that he and other negroes be allowed to vote in the next democratic primary. He had not read the petition and had not definitely set a date for a hearing.

The case was sent here from Texarkana by Judge Joseph C. Hutcheson Jr., member of the fifth civil appeals circuit, for action by Judge Bryant.

Motion to Dismiss.

O. H. Woodrow, attorney, also Wednesday morning took another step in the local negro voting squabble when he formally filed a motion to dismiss the equity suit of John Johnson, Denison negro, against Ben F. Gafford, chairman of the democratic committee, and Charles M. Cole, county clerk.

The Denison negro seeks an injunction restraining the county committee from interfering with negroes voting in the democratic primary, and asks \$10,000 damages of the county clerk because of his refusal to allow Johnson to cast an absentee ballot in the first primary.

The motion to dismiss, which will probably be heard next Monday at the time the Johnson suit is set, contains 14 points. It alleges, for one thing, that "this suit is an effort by complainant to make a writ of injunction serve the purpose of a writ of mandamus," and adds that "this court is without jurisdiction to issue such writ. . . ."

Separate Actions.

The motion says that "it appears from the face of the bill that complainant had, and has a speedy, full, complete and adequate remedy at law in the courts of the state of Texas to require by mandamus the affirmative relief here sought."

It also says the state democratic executive committee and each of its members "are indispensable parties to this suit."

Still attacking the jurisdiction of the federal court, the motion sets

out that "it appears from the face of the bill" that the suit does "not really and substantially" involve a dispute within the jurisdiction of the court "because the amount in controversy is not shown to exceed the sum of \$3,000, exclusive of interest and costs."

A "mis-joinder" of causes of action and of parties is alleged in that the action against the county clerk and that against the other respondents "are separate and distinct and not joint, one alleged to be in equity, while the other one at law."

Eligibility Questioned.

It also alleges that the "complainant is not and was not eligible to membership in the democratic party, nor had he any right to vote in the democratic primaries under the facts alleged in the bill."

The motion alleges that it is not shown in the original bill "that the said B. F. Gafford personally or as the county chairman has any authority to permit or authorize any person to vote or that he in either capacity has any authority to prevent or prohibit any persons from exercising a franchise."

The original suit against Gafford and Cole was taken before Judge T. M. Kennerly of Houston as Judge Bryant was out of the state. It was sent back here by Judge Kennerly.

Political-1934

Suffrage

Football Vs. Enfranchisement

One month from last Saturday at least \$50,000 will be spent by Negroes of Texas for one day's football entertainment at the big Dallas Fair. It will be worth it in wholesome recreation to the thousands of Negro sport-loving fans who will journey to the North Texas metropolis, and the informer will be represented in the number. Our colleges have done a good job in teaching us to love clean sports and to spend our money to see them.

On the other side Negroes of Texas have not spent \$50,000 to help win the right to vote in all of the forty years of their disfranchisement. The colleges haven't had time yet to teach us how. They have first had to teach us how to spend \$50,000 on one day in football; and now that that job has been done so well, maybe they will find the time to teach us how to spend at least half as much in a year upon our enfranchisement.

Holds Supreme Court Of Texas Is Wrong About Limitation in Sec. 3107

SAYS STATE CAN'T PREVENT BAR

SHERMAN.—Paving the way for upholding the so-called "inherent power" of the officials of the statutory primary elections in Texas to bar Negroes from voting, another high court case was overruled here on Monday this week by Federal District Judge Randolph Bryant. Judge Bryant held that the Supreme Court of Texas was wrong in deciding the famous case of Love v Wilcox, 28 S. W. (2d) 515, and that the legislature of Texas was without power to pass Article 3107 which says that "no person shall ever be denied the right to participate in a primary

in this State because of past party affiliations or because of membership or non-membership in organizations other than the political parties." The Negro attorneys for the Negro voters of Grayson County had decided immediately to perfect a denial of the equal protection of the laws guaranteed by the Fourteenth Amendment to the Constitution of the United States for the State of Texas to protect Tom Love and other bolters from the Democratic Party from discrimination on account of past party affiliations, unless the same protection was given by the laws of the State of Texas to loyal Negro Democrats when they were sought to be barred on account of race and color alone. Judge Bryant held that the State of

Texas could not legally give that protection to Tom Love, in spite of the fact that the Supreme Court of Texas had actually given him that protection.

Attorney W. J. Durham of Sherman was the leading counsel for John Johnson, plaintiff in the case who sought an injunction from the Federal Court to prevent election officials from interfering with his right to vote. Seated at the counsel table with Mr. Durham were the following associate attorneys: A. S. Wells of Dallas, who is chief counsel of the State Franchise Fund, of which Charlie Brackins is president; Roger Q. Mason and Duane Mason, also of Dallas; and J. Alston Atkins of Houston, editor of The Houston Informer. Mr. Atkins assisted Mr. Durham in the argument of the case.

Every seat in the United States District Court room was filled, and a number of people were standing who could not find seats. Among the Negroes who were present to hear the court deny them the ballot were prominent leaders of the Grayson County Negro Voters League, who came from Denison and other parts of the county, as well as from Sherman. Prominent among the white visitors was a class in government from Austin College, whose professor brought them to hear the arguments.

From the time Attorney Durham opened the argument for the plaintiff, Judge Bryant took the view that the Democratic Party in Texas has complete and full "inherent power" to exclude anybody for any reason from the statutory primary elections in this State because of past party affiliations or because of membership or non-membership in organizations other than the political parties.

The Negro attorneys of the state, led by Attorney A. S. Wells, have decided immediately to perfect a case to take to the Supreme Court of the United States, where, these attorneys say, alone there is hope for redress from the disfranchisement of the United States for the present which Negroes suffer from the State of Texas to protect Tom Love in Texas.

GROVEY BOOKED TO TALK IN BEAUMONT ON BALLOT APPEAL

W. G. Bell, president of the Beaumont Laboring Men's Protective Association, has invited R. R. Grovey and Dr. W. M. Drake, who are pushing the Democratic ballot bar suit before the United States Supreme Court, to address the Oil City organization Sunday, Dec. 16. It is expected that Mr. Grovey and Dr. Drake will speak at some of the Beaumont churches while in that city, soliciting funds with which to prosecute the Grovey case now before the highest legal tribunal in the country.

Dr. Drake states that money is needed at once for printing the brief in the case and A. W. Jackson, recently elected secretary of the Texas Negro Civic League at Galveston, has been delegated to solicit money for this defense fund. Several Houston organizations and citizens have already contributed to this fund, according to Dr. Drake, and it is hoped that a substantial sum of money will be procured in Beaumont Dec. 16 for this cause.

The Mirror

By C. F. RICHARDSON

SEVERAL persons have sought to ascertain our position relative to the damage suit filed by R. R. Grovey, prominent Houston Negro, against Albert Townsend, retiring clerk of Harris County, for refusing to permit Mr. Grovey to cast an absentee ballot

in the Democratic primary election of July 28, 1934.

Both this paper and columnist are in accord with any move or effort, legal or otherwise, that is made to break down this barrier of disfranchisement of American citizens on the ground of color, and differences of opinion should be subordinated under such circumstances and all work toward one common end.

It takes money to wage any kind of legal fight, and when a case is appealed to the United States Supreme Court, as in the instance of the Grovey case, it means that some real money must be raised and spent in the prosecution of such an important and far-reaching matter.

This is not Grovey's case per se, but is the case of all Negroes of Houston and Texas, for its outcome will determine the political status of Negroes not only in Houston and Texas, but in the majority of other Southern states which operate the "white man's primary" elections under the Democratic party label.

Money must be forthcoming at once in order to get the legal brief printed in time to submit it to the highest legal tribunal in the country during the present term of the court, and here is a cause worthy of the moral and material support of Negroes generally.

Contributions should be sent at once either to Dr. W. M. Drake, 419 1-2 Milam Street, or J. E. Robinson, Sr., Odd Fellows Temple, Houston, Tex.

EXPENSIVE MUNICIPAL ELECTIONS

Less than four percent of the qualified voters of Houston went to the polls Monday, December 10, to cast their ballots in the general city election, which was nothing more or less than a ratification of the what the "white" Democrats did in their primary election of November 6, 1934, when the mayor, four city commissioners and city controller were "nominated."

One of our daily newspapers, speaking of the expense incurred in holding such an election some days prior thereto, suggested that the next session of the Texas legislature should enact legislation to discontinue general elections in Texas cities.

This daily newspaper (Houston Post) seems to be behind the times, or out of line with modern trends in municipal elections; for with the possible exception of Houston, Beaumont and a few of the lesser cities, practically all the major cities in Texas have abolished the "white man's primary" election and only conduct one general municipal election.

Instead of forcing candidates and seekers of public offices to underwrite the expenses of such city primary elections and excluding certain qualified voters from participation in said partisan primaries, Galveston, San Antonio, Dallas and other first-class Texas cities hold only one municipal election and that is general and open to all the eligible citizenry, both in seeking the various public posts and in casting their votes.

What the state legislature should do is to abolish primary elections in connection with municipal politics and provide for one general city election and thus modernize our elective system in Texas cities.

Despite the fact that it cost the taxpayers of Houston around or in excess of \$4,000 to stage the general city election Monday, less than 4,000 votes were registered for the various Democratic candidates who had been "nominated" (in reality elected) last month; which not only makes such "general city elections" a farce, but an expensive municipal appendage and hangover.

If other Texas cities have seen the wisdom of abolishing partisan primary elections, it is high time that Houston, the metropolis of the state and second largest city in the South, should follow suit.

Maybe if the "white man's primary" were discarded here, we would not have repercussions, rumors, charges and countercharges that followed in the wake of the recent Democratic primary election held in this city.

Negro Needs The Ballot As A Weapon

BEAUMONT.—More than five hundred Negro Men and women gathered at Jerusalem Baptist Church to hear R. R. Grovey of Houston, who is championing the cause of political freedom for the millions of Negroes of Texas. W. C.

ceive the support rightly due them and in many instances the Negro professional and business men did not lend the support, encouragement and co-operation to the race group.

The speaker stated that the Negro needed the ballot, the weapon that, if properly handled, will command respect. Men of vision, men of courage, men of wisdom and honest men are necessary to make the race powerful and give it a background. Negro teachers and leaders who do not measure up socially, religiously, financially and economically, should be put down. Grovey climaxed his speech by giving practical examples of Negroes, especially the elite class, making too much sacrifice for pleasure. His speech was received in the most respectful manner by a serious-minded group.

At the close of the address a male chorus from St. James M. E. Church under the direction of J. H. McGowen gave several selections which were enthusiastically received. An offering was taken. The group responded willingly, cheerfully and liberally, with a total collection of \$40.75, itemized as follows: Laboring Men's Association, \$32.10; St. James M. E. Church, \$3.65; Graham Congregation Church, \$5. Mr. Grovey also visited Port Arthur, and delivered an address while there.

Daniel C. Bowman, president of the Refinery and Gas Workers' Union, who has just returned from Washington, D. C., where he had appeared before the Petroleum Advisory Board, read excerpts from a Washington paper of testimony given and questions asked during the meeting, which was greeted with cheers.

From reports appearing in the dailies, it looks as though Bowman gave good account of himself while in the nation's capital and has ingratiated himself in the hearts and minds of the people. Grovey's visit here was the result of an invitation extended him by the Laboring Men's Protective Association with a membership of 1,500. W. G. Bell is president of the association, which has quite a few adjustments and accomplishments to its credit.

Dr. Drake, who accompanied Mr. Grovey to Beaumont, spoke before two large and appreciative audiences, one in the morning at Graham Congregational Church and the other at night at St. James M. E. Church. The response and enthusiasm which greeted him at both meetings was inspiring and rang true to that hospitality for which Beaumont is famous.

Bell, president of the Laboring Men's Protective Association, called the meeting to order. At the conclusion of several musical numbers Mr. Bell presented Dr. W. G. Drake, who introduced R. R. Grovey, who spoke on "The Revitalized Negro." During his talk Grovey electrified his audience with eloquence; his sane reasoning and oratory giving much food for thought. In his argument he plainly demonstrated the fact that

all of the Negro's troubles did not come from without; that a deal of it, probably the major portion of it, was within his own ranks. He accused the Negroes of being hypocrites in many instances, stating that Negro business and professions did not re-

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Suffrage.
HOUSTON, TEX.
PRESS

Texas

JUN 11 1934

Democrats of Texas Not to Bar Negroes From Party Primary

Executive Committee Refuses to Take Action on Referendum; Committee of Five Uses Dictatorial Powers

By DICK VAUGHAN
Reporter for The Press

AUSTIN, June 11.—For the first time since democratic primaries were created by the Terrell election law in 1907, negroes this year will not be prohibited by the democratic party from voting in a Texas primary.

The state democratic executive committee took no action today to prevent negroes from voting in this year's primary.

The committee completed its work and adjourned a few minutes after 2 p.m.

The committee certified the names of 43 candidates for state offices to democratic county chairmen to be printed on the primary ballot. Two candidates failed to qualify because they did not pay the \$100 filing fee and five others withdrew.

The committee selected Galveston as the place for the next state democratic convention.

"If a resolution to keep negroes from voting in the primary is introduced, I will rule it out of order," Committee Chairman T. K. Brim said before the meeting. The Supreme Court of the United States told us plainly that there is nothing we can do to keep negroes from voting."

The committee, getting off to a late start, called the roll, appointed a committee of five and then recessed for an hour.

The committee of five was given dictatorial power to keep any resolution which it opposed from reaching the committee.

Has No Authority

The resolution committee decided it had no authority to cause a referendum on repeal.

"The legislature could have passed a law saying that we had to

us from voting," said C. A. Booker of San Antonio, one of the negroes.

"They said that all that would be on the ballot this time would be that the voter is a democrat. Herebefore he has had to be a white democrat.

"I went to see Governor Jim Ferguson about this some time back and he told us if they made him committeeman he would leave it up to the county chairmen to let us vote.

"I think most of the negro voters are going to vote for C. C. McDonald out of gratitude."

Ferguson is sponsoring McDonald's candidacy for governor.

Davis' Proposal

Former State Senator John Davis of Dallas, in offering the motion creating the committee, so worded it that resolutions must first be submitted to the committee before being read on the floor. The committee can kill any resolution it does not like.

Jim Ferguson, democratic national committeeman, holding a proxy from John Howard of El Paso, was named head of this committee, and it is composed of his loyal friends, Ed Hussion of Houston, Davis, Walter Jones of Mineola, and Dr. J. H. McLean of Fort Worth.

R. D. Parker, in charge of enforcement of oil laws in the East Texas oil field, wired the committee that he would not run against his superior, Lon Smith, for railroad commissioner.

Friends of Parker had filed his name and put up the \$100 filing fee.

J. S. Hair of San Antonio, also sent down a withdrawal. Hair will not run for attorney-general.

Walter Woodward of Coleman, a candidate for attorney-general, once hit Hair over the head with a water pitcher in an argument in the state senate.

Terrell Battle Fought

A battle over the use of the famous political name of Terrell was fought before the committee of resolutions.

There is a George B. Terrell running for state treasurer who until recently was Jefferson T. Baker of Dallas.

Baker had his name changed to Terrell by a district judge.

Former State Senator J. D. Parnell of Wichita Falls, in a resolution, asked that Terrell's name be taken from the ballot.

Parnell said that Baker, in asking for a change of name, told the judge that he desired it for business purposes but that in actual fact he wanted to change his name to mislead the citizens of Texas.

Parnell asked the committee to find that Terrell was using the name of Terrell as a subterfuge.

The sub-committee decided it had no jurisdiction in the matter.

Ben J. Witt of Houston withdrew as a candidate for state comptroller.

The withdrawal of Jefferson G. Smith of Travis County as a candidate for state school superintendent was written in verse. It said:

"The state superintendent's office I choose now to decline
And to request your committee
To omit a name—it's mine."

John Marshall of Dallas withdrew from the treasurer's office.

Two others failed to send in \$100. They are W. W. Nance, Sr., of Tarrant and Carl Van Zandt of Bexar.

HOUSTON, TEX.
CHRONICLE

NEGRO VOTING LEFT UP TO COUNTY BOARD

Official Ballot For State Candidates, Carrying Usual Pledge, Certified at Austin Meeting.

By International News Service.

Austin, June 11.—Repeal will have no place on the Democratic primary ballot in Texas in July, and negroes will not be officially barred from voting.

These two "policy" questions were decided Monday by a subcommittee of the state Democratic executive committee, which met here to certify the ballot. The subcommittee was led by James E. Ferguson who held a proxy vote.

The subcommittee's formal re-

By Associated Press.

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didates.

port will be made back to the committee of the whole this afternoon.

Resolutions other than those prepared by the committee will be ruled out of order if offered from the floor, and the resolution will not include the proposal of repeal of Texas dry laws.

o o o

No Authority.

Members of the committee stated they decided they had no legal authority to place repeal on the ballot.

Neither will the committee put on the ballot the proposition that women be given representation on the state committee.

The Democratic pledge this year, which each voter must sign, will read as follows:

"I am a Democrat and pledge myself to support the nominees of this primary."

The word "white" has been eliminated, leaving the primary open to negroes except where barred by local chairmen.

Prior to the meeting of the subcommittee, negro spokesmen had said that an "agreement" had been made that negroes would get to vote. These spokesmen also said most of the negro vote would be cast for C. C. McDonald for governor.

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Repeal Discussion.

The repeal submission was discussed from both negative and positive viewpoints. N. Wiggins of Dallas, representing the United Forces Against the Liquor Traffic, asked that the people be polled in favor of retention of dry laws. He presented a petition said to be signed by 27,000 persons in 139 counties.

The committee ruled that such a petition would have to be signed by 90,000, or 10 per cent of the last vote.

A resolution was to be presented lamenting the death of John McKay, veteran political figure.

Withdrawal of candidates included: R. D. Parker for railroad commissioner; W. W. Nance of Fort Worth, for governor; Carl Van Zandt and John Marable, for treasurer; J. F. Hair, for attorney general, and Jefferson G. Smith of Austin, for state superintendent.

The official ballot follows:

For United States Senator.
Jos. W. Bailey, Jr., of Dallas County.
Tom Connally of Falls County.
Guy S. Fisher of San Augustine County.

For Governor.

C. C. McDonald of Wichita County.
James V. Allred of Wichita County.
Clint Small of Potter County.
Tom F. Hunter of Wichita County.
Edgar Witt of McLennan County.
Edward K. Russell of Red River County.

J. E. McDonald of Travis County.
Fred W. Davis of Travis County.
K. Terrell of Floyd County.
C. C. Conley of Willacy County.
For Commissioner of Land Office.
J. H. Walker of Travis County.
Walter E. Jones of Gregg County.
For Railroad Commissioner.
John Fundt of Dallas County.
James L. McNees of Dallas County.
W. Gregory Hatcher of Dallas County.
For Commissioner of Agriculture, County.
H. Clary of Tarrant County.
For State Treasurer.
Dennis B. Waller of Trinity County.
George B. Terrell of Dallas County.
Kay Griffin of Tarrant County.
Charley Lockhart of Travis County.
For State Superintendent.
L. A. Woods.
For Commissioner of Agriculture, County.

Special
HOUSTON, TEX.
PRESS

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For Lieutenant Governor.
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H. O. Johnson of Harris County.
Lon A. Smith of Travis County.
Associate Justice, Supreme Court.
James W. McClendon of Travis County.
John H. Sharp of Travis County.
H. S. Lattimore of Tarrant County.
Judge, Court of Criminal Appeals.
W. C. Morrow of Hill County.

DALLAS, TEX. NEWS

JUN 12 1934

Committee Fails To Submit Repeal For Primary Vote

State Body Also Decides
Not to Enlarge Mem-
bership to Two From
Each District

Galveston Winner

Nominating Convention
Goes to South—Parker
Refuses to Run

BY W. M. THORNTON,

Staff Correspondent of The News. AUSTIN, Texas, June 11.—The State Democratic Executive Committeeers want the Legislature to submit an amendment to the Constitution striking out the prohibition provision. It lected Galveston as the place for was not discussed in open committee. the nominating convention to be held where a motion previously had been Sept. 11. It refused requests to place adopted requiring all resolutions to be prohibition repeal on the July 28 bal- sent to the subcommittee without dis- lot or to enlarge its body to sixty- cussion. This was done on motion of two members to be composed of one John Davis of Dallas. man and one woman from each of the Wiggins and White said they would thirty-one senatorial districts. It now look into the law and see if the re- has one member from each district, peal question could be placed on the a man or a woman.

The dry repeal referendum was pre- sented to the committee by Roy I. Tennant, district campaign manager primary. If the law permits, they in- for Maury Hughes, wet gubernatorial timate they would get the necessary candidate. It also was advocated by petitions with 100,000 names asking W. N. Wiggins, headquarters director that it be done.

of the United Forces Against the Negroes Ask Primary Vote. Liquor Traffic and Dr. W. R. White, Hughes asked for this submission at pastor of the Fort Worth Broadway Houston and it was refused. It was Baptist Church. They did not appear also Hughes' request to give the wom- before the whole committee but be- en the same representation on the fore a subcommittee created to con- State committee as is held by men sider all resolutions and the form of and it likewise was rejected at Hous- the ballot. This committee was com- ton and Austin. His resolution for dry posed of ex-Gov. James E. Ferguson, repeal submission stated that the holding the proxies of two commit- House of Representatives asked that it teemen, John B. Howard of El Paso be placed on the ballot and moved and J. E. Vickers of Lubbock; Ed J.

that the request be granted. Hughes The statutory pledge was adopted the committee. Ex-Senator Alvin J. was not present Monday. and certified with the list of candi- Wirtz of Seguin and Austin acted as

A delegation of Negroes, including dates to be placed at the top of the proxy for a while for C. F. Richards one woman, from Houston, San An- ballot. It reads: "I am a Democrat of Lockhart, present part of the day. tonio and Austin petitioned the sub- and pledge myself to support the List of Those Present.

committee for permission to vote at nominees of this primary." The following committeemen were the Democratic primaries, but no ac- A copy of the list of candidates as presented in person from the num- tion was taken. According to the sub- certified by the committee is given bered Senatorial districts unless committee, the Federal statutes open below. The order on the ballot is otherwise noted:

the primaries to Negroes but the com- changed in each county as its local 1.—J. I. Wheeler, Texarkana, by mittee did not assume that respon- committee decides. The list follows: Eugene Smith, Austin, proxy; 2.—Ras sibility, leaving the local committees. For United States Senator.—Joseph Young, Longview, absent; 3.—Sum- to fight it out. W. Bailey Jr. of Dallas County, Tommers Norman, Jacksonville, absent;

In previous elections Negroes voted Connally of Falls County and Guy B.4—C. W. Howth, Beaumont, by Her- in Bexar and other counties. They are Fisher of San Augustine County. man Kleinecke, Galveston, proxy; 5— due to vote in more than one county Seven Seek Governorship. Dr. A. L. Barnes, Huntsville; 6—W. this summer. The United States Su- For Governor.—C. C. McDonald of T. Todd, Neches; 7—Walter Jones, preme Court has decided in their fa- Wichita County, James V. Allred of Mineola; 8—Mrs. Pat Mayse, Paris, by vor more than once. Wichita County, Clint Small of Potter Chairman Brim, proxy; 9—Rice Max- County, Tom Hunter of Wichita Coun- ey, Sherman, by W. I. Hooks, Itasca,

Parker Refuses to Run.

In the preparation of the official ty, Edgar E. Witt of McLennan Coun- proxy; 10—Earl Arnold, Greenville; ballot the name of R. D. Parker was ty, Edward K. Russell of Red River 11—John Davis, Dallas; 12—W. I. omitted as a candidate for Railroad County and Maury Hughes of Dallas Hooks, Itasca; 13—Harold Knop, Waco,

Commissioner against his boss, Lor County. by Frank L. Denison, Temple, proxy; A. Smith, who is seeking re-election For Lieutenant Governor.—Walter 14—C. M. Campbell, Bremond; 15—A. Parker telegraphed the committee F. Woodul of Harris County, Ben F. W. Kollatt, Lagrange; 16—E. J. Hus- definitely asking that his name be Berkeley of Brewster County, John sion, Houston; 17—Herman Kleinecke, stricken out. It had been filed by fornsby of Travis County, R. M. Galveston; 18—August Hartman, friends but, like Wright Morrow and Johnson of Anderson County, Joe Cuero, absent; 19—C. F. Richards, Dan Moody in the past, he refused to Moore of Hunt County and J. P. Rog- Lockhart; 20—Tom Ferguson, Burnet;

stand as a candidate. Others who ers of Harris County. 21—J. Newt Fallis, Clifton; 22—R. J. withdrew their names were J. F. Hair For Attorney General.—Walter Edwards, Denton; 23—T. R. Boone, of San Antonio, who had announced Woodward of Coleman County, Wil- Wichita Falls; 24—Will St. John, Cisco, lian McCraw of Dallas County and by Roy I Tennant, Austin, proxy; 25— Clyde E. Smith of Tyler County. L. O. Pfluger, Eden; 26—L. M. Bickett, For Comptroller.—George H. Shep- San Antonio, by Chares Guokas Jr., pard of Travis County, J. J. (Jack) Austin, proxy; 27—L. I. Sternberg, Patterson of Dallas County, Dolph B. Harlingen; 28—Dr. J. H. McLean, Fort Tillison of Henderson County and Worth; 29—John B. Howard, El Paso,

Manley H. Clary of Tarrant County. by James E. Ferguson, Austin, proxy; For State Treasurer.—Dennis B.30—J. E. Vickers, Lubbock, also repre- Waller of Trinity County, George B. sented by Ferguson as proxy. R. E. Terrell of Dallas County, Kay Griffin Underwood, Amarillo, by J. V. of Tarrant County and Charley Lock- Dooley, Amarillo, proxy.

hart of Travis County. New York Herald-Tribune For Superintendent of Public In- struction.—L. A. Woods of Travis County.

For Commissioner of Agriculture.— Texas Negro Charges Poll Ban WASHINGTON, Dec. 6 (AP).—Another Texas Negro asked the Supreme Court today to compel the acceptance of his vote at Democratic primaries R. R. Grovey, of Harris County, told the court he had been prevented by Albert Townsend, County Clerk, from casting his ballot in the Democratic primaries last July. He pointed out he was the fourth Negro to complain to the high court of alleged discrimination because of race and color

Commissioner of General Land Of- fice.—J. H. Walker of Travis County and Walter E. Jones of Gregg County.

Rail Board Candidates.

For Railroad Commissioner.—John Pundt of Dallas County, James L. Mc- Nees of Dallas County, W. Gregory Hatcher of Dallas County, H. O. John- son of Harris County and Lon A. Smith of Travis County.

For Associate Justice of Supreme Court.—James W. McClendon of Travis County, John H. Sharp of Travis County and H. S. Lattimore of Tarrant County.

For Judge of the Court of Criminal Appeals, W. C. Morrow of Hill County.

Three committeemen were absent and unreported Monday, the others being represented by proxies. A. W. Kollatt of Lagrange, announced as a candidate for County Judge, said he had not yet filed his name but was permitted to sit with the committee. He was elected at Houston in place of L. J. Sulak, candidate for the Senate. If Kollatt filed as a candidate for County Judge he forfeits his place on

Galveston will have rooms at the hotels reserved for all members of the committee and for all candidates for State office, the unsuccessful ones as well as the winners.

Political-1934

Suffrage

A Statewide Lawsuit

The Informer has no quarrel to make with the Harris County Negro Democratic Club for its decision to carry a case to the Supreme Court of the United States with reference to the exclusion of Negroes from voting in the statutory Democratic primary elections of Texas. We believe that a statewide movement along the same line is also in order.

That all of the millionaires of Texas are affected in the same way is clear. That they should all be equally interested in this fight for freedom is equally clear to The Informer. For this purpose there should also be a lawsuit that is statewide in its implications, and it is the hope of The Informer that such a suit will be filed.

NAME OF ALLRED

BARRED IN TEXAS

Judge Restrains Party
and State Official From
Printing It on Ballot.

SAN ANTONIO, Texas, Sept. 14.—(AP)—An order restraining democratic party officials from certifying the name of James V. Allred to the secretary of state as the party's nominee for governor was issued here today by District Judge W. W. McCrory in a suit brought by District Attorney Walter T. Burdett, San Antonio.

Allegations of excessive campaign expenditures were understood to form the basis of the suit, which was filed in the name of the state of Texas on the relation of District Attorney Tynan.

Papers in the suit were immediately withdrawn after the suit was filed in Judge McCrory's court.

The order likewise restrained W. W. Heath, secretary of the state from placing Allred's name on the official ballot for the general election in November.

Allred was declared the party nominee at the Galveston convention where the party executive committee canvassed the vote of the August 25 runoff between Allred and Tom Hunter. Hunter was supported by Governor Miriam A. Ferguson.

At Austin, Allred declined to comment on the suit.

The Voting Question

(By V. G. GOREE)

There is a little need for worry on the part of those who contributed in any way to the fight for Negroes' right to vote, because of the reverse suffered at hands of bigoted politicians and prejudiced judges.

The flagrant violation of the constitution of the United States in the matter of denying the Negro the right to vote, is having the same growth and will spread to other groups just as other evils in the past, which were inflicted by the states and tolerated by the United States now include all groups.

For instance the crime of lynching was once an injustice to be heaped upon Negroes only. But now, what? The lawless elements lynch anybody who incurs their ill will, regardless of color, not only that but the mob now inflicts upon the finest families of the land (practically all white) kidnapping, a crime in many respects worse than lynching. The mob after claiming the Negro for its victim unchallenged for many years now considers the president of the United States as its rightful prey.

The Negro has been for many years the only citizen denied the privilege and benefit of voting. As things now stand all citizens, regardless of color are denied the benefit of voting, if not the privilege. They may vote, but immediately all powers of government are transferred from the hands of the people and their representatives to the president and him alone. The voice of the people is silent and their vote is dead.

The policies now in vogue may be all right but they simply do not fit with our ideas and ideals of democratic government and they are not the ideals of government of the American people, but they are helpless.

To substantiate our argument let us hear the lamented Woodrow Wilson, the champion of democracy: he knew the heart and mind of the American people as few men did. In a message on the "New Freedom" he said:

"I do not want to live under a philanthropy. I do not want to be taken care of by the government either directly or by any instruments through which the government is acting. I want only to have right and justice prevail so far as I am concerned. Give me right and justice and I will undertake to take care of myself. . . . I will not live under trustees if I can help it. . . . I do not care how wise, how patriotic the trustees may be. I have never heard of any group of men in whose hands I am willing to lodge the liberties of America in Trust."

Texas.

Affidavits

Mysteriously

Disappear

White Queries Keenan on

Missing

TEXAS DOCUMENTS

Figuring in the Barred of
Negro Voters

New York, Sept. 7—According to
Walter White, secretary of the Na-

tional Association for the Advance-

ment of Colored People, a first

class mystery has developed in con-

nection with the "loss" of the 20

affidavits of qualified Negro Dem-

ocrats of Texas, testifying to their

exclusion from the July 28 primary

election in that state. On last

Tuesday he wrote to Joseph B.

Keenan, assistant attorney general

of the United States, urging in-

quiry into the strange "disappear-

ance" of these valuable documents.

Where the 20 affidavits are at

the moment, says Mr. White, is a

puzzling question that can only be

answered by Mr. Keenan, U. S. Dis-

trict Attorney W. R. Smith of San

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ment.

On August 10, following receipt

of the documents from the N. A. A.

C. P. national office, Mr. Keenan

wrote Mr. White that "these affi-

davits have been forwarded to the

United States attorneys for the

Eastern, Western and Southern dis-

tricts of Texas, respectively, for in-

vestigation and consideration."

Western District by telephone at Attorney General of Texas that his office in San Antonio, Texas, requesting him to take action or give out some instruction and he denied that he had even received any instructions from the Attorney General of the United States at all.

An affidavit received by Mr. White from C. F. Cooke, a qualified Negro voter of Waco, excluded from the August 25 primary, also testified "That he called the United States District Attorney at San Antonio, W. R. Smith, and asked him if he did not receive instructions from Washington concerning Negroes voting in the primaries in Texas. That Smith said he did not."

Four affidavits from qualified Negro voters of Waco testifying to their exclusion from the August 25 primary there have been forwarded by Mr. White, the N. A. A. C. P. secretary, to Assistant Attorney General Keenan at Washington with the urgent request that he "proceed vigorously to prosecute under the law the election officials and all others who are responsible for this denial."

The attention of Mr. Keenan is invited to the singular fact that all four of the Negroes signing the affidavits voted in the July 28 primary but were barred from the August 25 primary.

To date no action has been taken by James Farley, chairman of the Democratic National Committee or his assistant, Emil Hurja, on the unconstitutional acts of the Texas Democratic officials although his office was asked to act as early as last March and several times since then. Mr. Hurja recently expressed considerable irritation because Mr. White complained to several Democratic senators about the failure of the Democratic National Committee to act on the matter. Mr. Farley is also the Postmaster General.

fore it becomes necessary to call in Mr. Farley's post office detectives.

Waco Vote Officials Clash

Reports from Waco, Texas on the August 25 primary, reveal a clash between city and county officials on the question of the exclusion of qualified Negro voters there. "They fight, steps were taken to form a strong branch of the National Association for the Advancement of Colored People. A request was made to the N. A. A. C. P. national office in New York for literature, which has already been received.

On September 1, Attorney R. D. Evans, prominent Negro lawyer of Waco, Texas, who is heading the fight on the white primary in his vicinity, wrote Mr. White: "Our a committee of Allred lawyers called on the judges in the city boxes and insisted in the name of the

States District Attorney for the

Western District by telephone at Attorney General of Texas that his office in San Antonio, Texas, requesting him to take action or give out some instruction and he denied that he had even received any instructions from the Attorney General of the United States at all.

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Western District by telephone at Attorney General of Texas that his office in San Antonio, Texas, requesting him to take action or give out some instruction and he denied that he had even received any instructions from the Attorney General of the United States at all.

AFFIDAVITS OF TWENTY CITIZENS QUALIFIED IN DEMOCRATIC PARTY "LOST" EN ROUTE TO SAN ANTONIO

U. S. Assistant Attorney General Called Upon To Clear Up The Mystery Of The "Missing" Documents

New York, Sept. 7—According to Walter White, secretary of the National Association for the Advancement of Colored People, a first class mystery has developed in San Antonio, W. R. Smith, and the "loss" of the 20 affidavits of qualified Negro Democrats of Texas, testifying to their exclusion from the July 28 primary election in that State. On last Tuesday he wrote to Joseph B. Keenan, assistant attorney general of the United States, urging inquiry into the strange "disappearance" of these valuable documents.

Where the 20 affidavits are at the moment says Mr. White, is a puzzling question that can only be answered by Mr. Keenan, U. S. District Attorney W. R. Smith of San Antonio or the post office department.

On August 10, following receipt of the documents from the N.A.A.C.P. national office, Mr. Keenan wrote Mr. White that "these affidavits have been forwarded to the United States Attorneys for the Eastern, Western and Southern Districts of Texas, respectively, for investigation and consideration."

On September 1, Attorney R. D. Evans, prominent Negro lawyer of Waco, Texas, who is heading the fight on the white primary in his vicinity, wrote Mr. White: "Our leaders here called the United States District Attorney for the Western District by telephone at his office in San Antonio, Texas, requesting him to take action or give out some instruction and he denied that he had even received any instructions from the Attorney General of the United States at all." An affidavit received by Mr.

city boxes and insisted in the name of the Attorney General of Texas that Negroes be barred. . . . and that they would stand by the election judges who had thus barred them."

Four affidavits from qualified Negro voters of Waco testifying to their exclusion from the August 25 primary there have been forwarded by Mr. White, the N.A.A.C.P. secretary, to Assistant Attorney General Keenan at Washington with the urgent request that he "proceed vigorously to prosecute under the law the election officials and all others who are responsible for this denial." The attention of Mr. Keenan is invited to the singular fact that all four of the Negroes signing the affidavit voted in the July 28 primary but were barred from the August 25 primary.

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A 1715-Mile Mystery

As the railroads go, it is 1715 miles from Washington, D. C. to San Antonio, Texas. It is a much shorter distance by airplane. Inasmuch as Mr. Keenan says he forwarded the 20 affidavits to Mr. Smith, and Mr. Smith says he did not receive them nor the accompanying instructions from Mr. Keenan, the N.A.A.C.P. secretary thinks that perhaps the post office department may be able to trace the "missing" documents if everyone else fails. Mr. White expresses the hope, however, that the secret service sleuths of Mr. Keenan, fresh from the suppression of "machine gun" Kelly and Dillinger, will "find" the "lost" affidavits before it becomes necessary to call in Mr. Farley's post office detectives.

Waco Vote Officials Clash.

Reports from Waco, Texas on the August 25 primary, reveal a clash between city and county officials on the question of the exclusion of qualified Negro voters there. "They shut the city boxes against Negroes on the 25th," says the report, "but the county boxes remained open. The County Chairman, having ordered boxes opened to Negroes, stood pat and would not change, but a committee of Allrod lawyers called on the judges in the

WHITE CONFERS WITH U. S. DEPARTMENT OF JUSTICE REGARDING TEXAS PRIMARY BARRIER AGAINST COLORED DEMOCRATS

NEW YORK CITY.—(Sp.)—Walter White, N. A. A. C. P. secretary, conferred last Friday with Joseph B. Keenan, assistant attorney general in Washington, D. C., on the status of the cases arising from the barring of qualified Negro voters from the recent Democratic primaries in Texas. Mr. White was accompanied by Dean Charles H. Houston of Howard University Law School and of the association's legal committee.

As a basis for action by the department of justice, Mr. White pointed to the injunction granted by United States Judge Wyane G. Borah in New Orleans on Sept. 7, 1934, restraining the registrar of voters in Orleans Parish, his deputies or agents or anyone else from erasing or scratching the name of any qualified voter from parish registration rolls, and directing that the registrar immediately certify the registration rolls.

Interestingly enough, the three

New Orleans attorneys—Edward Rightor, Luther E. Hall, George Seth Guion—who made the motion for the injunction cited the two recent decisions of the United States Supreme Court in the case of Nixon vs. Condon, 286 U. S. 73 and Nixon vs. Herndon, 273 U. S. 536, known as the "Texas white primary cases," as a basis for the injunction. They charged that in view of these decisions "any intimidation of citizens in the free exercise or enjoyment of the right and privilege of voting in the coming primary, any interference with the right of any citizen to vote, or any miscount of the vote cast, will constitute a federal offense in violation of sections 19 and 20 of the United States criminal code.

They charged further that "in United States vs. Mosely, 238 U. S. 383, the United States Supreme Court held that these sections of the criminal code apply not only to interference with a citizen in his right to vote, but also to false returns of the result. This ruling applies alike to all political factions and to all political factions and to all parishes in the eastern district of Louisiana." It is the contention of Mr. White that the granting of this temporary injunction in New Orleans is basis for similar federal action in Texas where colored citizens were prevented from voting in the July 28th and August 25th primaries.

Ballots Marked Colored

Two reputable Negro citizens were permitted to vote ballots marked "Colored" which allegedly were not counted. This sensational charge was substantiated by sworn affidavits from Drs. L. A. Nixon and M. C. Donnell of El Paso, which have been forwarded to Mr. Keenan with the added statement of Attorney Fred C. Knollenberg of El Paso, lawyer for Dr. Nixon in the famous primary cases, that "he is quite satisfied that these ballots were not counted."

"If it is within the province of the United States attorney to do this," Mr. White's letter continues, "may we suggest that inquiry be made as to whether or not these ballots were counted? The designation of race on the ballots by Election Judge Condon, defendant in the case of Nixon v. Condon, 286 U. S. 73, would seem to us strong indication of a deliberate attempt to evade the law and the federal constitution."

Political - 1934

Suffrage.
NORFOLK, VA.
VIRGINIAN PILOT

FEB 21 1934
Poor Pioneering

Floor Leader Ashton Dovell, of Williamsburg has introduced a bill which provides for the abolition of the legalized primary. Should the bill become law, parties could hold nominating primaries but they would be wholly under party direction and control. Let us quote Mr. Dovell:

I am going to pioneer in this thing. I do not know how far it will go at this time. It will give the parties complete control over those who participate in their primaries. They do not have this control now. The primaries would then be an expense to the party and not an expense to the State.

Translated into plain language, the purpose of this bill is to enable the parties—particularly the Democratic party which alone, so far, has taken advantage of the Virginia primary law—to hold primary elections free of Negro participation. It represents the answer of a certain type of Democratic mind to the decisions of the Federal courts and, more lately, to a decision by Judge Spratley, of Hampton, that the legalized primary in Virginia is an integral part of the electoral process and that participation in it can not be limited—as the Democratic party plan undertakes to limit it—to members of the white race, without violating the Constitution of the United States.

Mr. Dovell's scheme may be the answer to the prayer of the Democratic Lily Whites, but we doubt if it will appeal to the rank and file of the party or to the general citizenship of the State. It is faced in the direction of reaction and not in the direction of progress. Progress requires the safe absorption into the body of the Virginia electorate of all persons, without distinction as to color or race, who can qualify for the ballot by the statutory test of responsibility and education. The representative a problem that must ultimately be settled in a manner reconcilable with the Constitution.

This aspect of Mr. Dovell's pioneering aside, his "solution" is open to serious objection on other grounds. A party primary removed from the protection and penalties of the law, can not fail to lead to mismanagement and abuse. Corruption under such a primary, could be punished only by limited acts of discipline like expulsion from the party. There is, of course, no way to empower the parties to punish offenders with fines or imprisonment except by imparting to the primary the legal status which Mr. Dovell's scheme is designed to destroy.

Another serious objection to the scheme is the heavy cash drain it would impose on the political parties resorting to it. Instead of the primaries being paid for by the general body of taxpayers, they would, under the Dovell plan, have to be paid for by the parties themselves. In practical effect, that would mean that the principal burden of financing the primaries would fall upon the candidates for office, for any attempt to assess the cost against the rank and file would drive thousands out of the party fold and reduce its membership to a small politically active element who could manage the primary according to their own wishes because they had bought and paid for it.

We can think of no scheme better adapted to accomplishing one of two ends—either to make primary elections a public snitch, or to force the parties to abandon primaries altogether and return to the nomination system.

RICHMOND, VA.
TIMES DISPATCH

MAR 9 1934

The "Closed Primary"

THE Senate Committee on Privileges and Elections is to be congratulated for having passed by indefinitely the DOVELL bill which would have repealed most of the existing primary law and substituted a system whereby each party would be empowered to make its own rules and regulations and pay the entire expense of holding its own primary.

For various reasons this was a bad bill. Mr. DOVELL managed to get it through the House by virtue of his influence in that body, but the Senate "put it to sleep" promptly.

The purpose of the measure was to circumvent the decisions of the courts that Negroes cannot be excluded from primaries solely because of their color. This ruling had been made by the Federal courts, and last fall JUDGE C. VERNON SPRATLEY rendered

a similar decision in the Elizabeth City Circuit Court.

The DOVELL bill repealed almost all of the State primary law and substituted the new system in its place. For a decade after the adoption of the Virginia Constitution of 1901-02 a system of this sort was in vogue, the present State-financed and State-controlled primary having been introduced in 1912.

It is unfair to exclude every Negro in Virginia from participation in the Democratic primaries, and that is what the white Democrats would have done, if the DOVELL bill had passed the Senate. There are Negroes in the State who are better qualified to exercise the franchise than some whites who do exercise it.

In the second place, the new plan would have increased the cost of running in the already expensive primary. State-wide primaries are now financed by the Commonwealth at a cost of from \$25,000 to \$30,000 each. Under the DOVELL bill, this sum would of necessity have come from the party treasury.

It is almost inconceivable that any candidate desirous of taking part in a primary would have been excused from contributing to the expense. Consequently, the cost of running for office in State-wide primaries, already so high as to exclude all persons of moderate means, would have been pushed even higher.

Enactment of the DOVELL bill would also have had the effect, as pointed out above, of doing away with the protective machinery built up over a long period. Under the proposed dispensation, primaries would have been the playthings of the party moguls, who would have been given a virtually free hand. The unsavory consequences of such a set-up can readily be visualized.

Now that the bill has been defeated, the Democrats of the State are faced with the necessity of determining what they are to do about the Negro voters. The courts forbid their exclusion from the present type of primary because of their color. The

RICHMOND, VA.
NEWS LEADER

FEB 23 1934

Danville Voters Hear Verbal Clashes in Hydro-Electric Plant Issue

LEIGH STATEMENT ENLIVENS FIGHT

Monday Will Be Date City Will Decide on Federal \$3,000,000 Loan.

Special to The News Leader.

DANVILLE, Va., Feb. 23.—With

claims and counter claims flying thick and fast, the campaign among voters who will decide Monday whether Danville will build a hydro-electric plant in Patrick county, is moving down the home stretch with full speed.

The hotly contested issue has precipitated a campaign of the most spirited nature probably since the days of wet and dry fights before national prohibition. Both sides are publishing and broadcasting statements and challenging those of the other side. The campaign is being marked by numerous meetings and missionary work among voters goes on unabated.

The campaign this week was carried to the Negro voters of the city at a meeting ~~called to hear~~ both sides of the matter. W. E. Gardner, president of the city council, gave reasons why the Negroes should vote for the power expansion program. Following him Gilmore Holland, a spokesman against the project, cited reasons why they had best vote against it.

Statement Made.

The issue was enlivened further this week when Judge Henry Leigh, of the corporation court, in a public statement denied that he has at any time said that City Attorney A. M. Aiken, who was a leading figure in conducting the city's negotiations with the government for a \$3,000,000 loan to finance the project, would receive \$150,000 fee for his services if the deal goes through. Mr. Aiken already had publicly denied the report.

With leading figures on both sides comprising influential citizens conscious of the importance of getting out the vote Monday for fear that legathry may spell defeat to either side, no let-up in the campaign is yet in evidence and indications are that the issue will be a burning one up until the day of the referendum. Voters on Monday will determine whether the city will accept the government's \$3,000,000 loan or reject it. If the project is approved, arrangements will be made to begin work as soon as possible. If it is rejected, that will end the matter.

VOTING BARS IN SOUTH DOOMED TO LEGAL DEATH

Virginia Sets Pace In Penalizing Violations of Rights

Special to Journal and Guide

ROANOKE, Va.—It is now pretty well established in Virginia, at least, that hereafter Negroes who are barred from participation in Democratic primaries may recover damages by court action.

The precedent was legally set when Judge Vernon Spratley of Elizabeth City County Circuit Court awarded previously agreed damages to L. E. Wilson, of Hampton, after Mr. Wilson last August sued primary judges who refused to let him vote.

A jury's verdict in favor of the offending judges was set aside by Judge Spratley. Attorneys A. W. E. Bassette, Jr., Hampton, and Thomas Newsome, Newport News, represented Mr. Wilson.

And now, on top of that historic decision from a state court, another previous one handed down by the Virginia Supreme Court in another case originating in Hampton and prosecuted by Atty. Bassette, and in which subterfuges employed to prevent Negroes from registering to vote, has come the significant ruling by Assistant Attorney General Gibson of Virginia, acting in the stead of the then ill and now deceased Attorney General Saunders.

Officials Can Be Sued

Hereafter Negroes who are barred from participation in Democratic primaries may recover damages by court action, according to a paragraph in the assistant attorney general's decision and reported in last week's Journal and Guide.

"Judges of primary elections who refuse colored persons the privilege of voting, where they have all other qualifications to participate in a Democratic primary save that of color, are liable to suit for damages in the United States courts."

It is said that the Virginia N. A. A. C. P. contemplates such court action if and where Negro voters are illegally restrained from balloting.

Roanokers To Vote

His decision arose when a ruling was made by the Roanoke City

Democratic committee holding that Negroes could not be issued absentee ballots. When this mandate was contested, the Roanoke registrar asked the state official for a ruling. And now Roanoke Negroes who seek mail ballots to vote in the councilmanic primary here on April 3 will not be refused ballots, although the Roanoke electoral board a fortnight ago instructed the local registrar not to issue them.

On July 11, 1924, at Norfolk, Va., the state Democratic party restricted participation in Democratic primaries to white persons. A year or two ago when colored citizens in Richmond sought to participate in the Democratic primary, the election judges refused to furnish them ballots.

But now the assistant attorney general of Virginia has ruled: "In my opinion, a registrar should furnish colored voters absent voters' ballots. I do not think that a registrar should undertake to decide the right of resident voters to participate in the Democratic primary to be held in your city on the 3rd of next month. You should furnish ballots to all persons requesting them."

Recalls Texans' Victory

This decision, which marks a great victory for Negro voters in Virginia, follows closely upon the similar decision recently in Texas coming upon the heels of the N. A. A. C. P.'s third Texas primary decree.

When Richmond citizens were barred from the primary the N. A. A. C. P. brought suit in the Federal District Court, Judge D. Lawrence Groner, which held that barring Negroes from the primary was a violation of the U. S. Constitution.

These court decisions both in U. S. and State courts, and the Assistant Attorney General's ruling, have smashed the last opposition to the participation of Negroes in Democratic primaries both in Texas and Virginia, and will shortly do so throughout the South. Intelligent leadership is responsible for the quick change of front on the part of the Virginia authorities, and enfranchises thousands of Negro voters in the state.

Roanoke Negroes Voting

Negro citizens of Roanoke, Va., seeking mail ballots to vote in the councilmanic primaries on April 3, were not refused ballots, although the Roanoke electoral board at first instructed the local registrar not to issue them.

On July 11, 1924, at Norfolk, Va., the two Democratic parties restricted participation in Democratic primaries to white persons. A year or two ago, when colored citizens in Richmond sought to participate in the Democratic primary, the election judges refused to furnish them ballots. But now the Assistant Attorney General of Vir-

ginia has ruled: "In my opinion, a registrar should furnish colored voters absent voters' ballots. . . . You should furnish ballots to all persons requesting them."

NEWPORT NEWS, VA.

DAILY PRESS

MAR 9 1934

A FOOLISH MOVE

The new primary bill which has been passed by the House of Delegates seems designed to deprive Negroes from the Democratic primary. In fact, there is little doubt that it was introduced as a result of recent rulings that Negroes are entitled to participate in state-controlled primaries, inasmuch as it empowers each party,

To make rules and regulations for its organization, its government and the conduct of its affairs, to prescribe who shall constitute its membership and to prescribe the powers thereof . . . to provide in any way it sees fit for the nomination of its candidates for public office . . . to call and hold primary elections (or conventions) to nominate such candidate or candidates for particular offices . . . to provide who may vote at such conventions and primaries, etc.

In return for excluding Negroes from the primary, should the attempt be successful, the patrons of the bill would give up the safeguards which the state has thrown around primary elections as the result of trial and error. The bill, as the Norfolk Virginian-Pilot says, "is a retrograde step in Virginia's election law history and if the organization that appears now to be sponsoring it, procures its passage, it will, we predict, live to regret it as an act of folly. If the act accomplishes what is hoped from it—and we seriously doubt whether it will do so—the cost of the bleaching it will exact will be a practically complete withdrawal of the nominating process from the restraints of the corrupt practices provisions. Removed from these restraints, we may look forward to primaries and conventions reeking with all the evils which the corrective and disciplinary legislation of the last third of a century has managed to bring under check."

It is to be hoped that the measure will be defeated by the Senate, and that if it is not it will be vetoed by the Governor. There is not the slightest possibility of the Negroes of this state taking over either the state government or the Democratic party. And to cast aside safeguards against corruption in return for excluding a relatively small number of Negroes from the Democratic primary appears to us the height of folly.

LYNCHBURG, VA NEWS

MAR 10 1934

AGAIN THE SENATE THE HOPE

The Dovell bill amending party primary laws in Virginia and passed by the house of delegates would abolish legalized primaries in Virginia if enacted into law. It's apparent purpose, says the Norfolk Ledger-Dispatch, "is to deprive primaries in Virginia of the safeguards thrown about them by their status as legal elections," and adds further that "the apparent purpose of the apparent purpose is to enable the democratic party to make whatever rules it may please for the regulation of its primaries—presumably to meet decisions of state and federal courts invalidating party rules barring from legalized primaries all except white persons."

If the primaries are not legalized, party committees can make their own rules, including one barring Negroes from participation, the ruling of the courts against such action being based on the fact that primaries at present are state conducted and so must be conducted in accordance with provisions of the constitution prohibiting denial of the right to vote because of race or color.

In other words, the state having gone through a period when loose election practices were justified in order to prevent Negro domination, it is now to be set back to the time when loose primary election practices were possible and even invited, and that for the purpose, not of preventing Negro domination, but of barring from democratic primaries the few Negroes who wish to participate in them. Selection of party nominees is no longer to be surrounded with legal safeguards and skulduggery is to be invited by proclaiming the immunity of its practitioners from the law.

Again, it is up to the senate. To that body we must look for defeat of this bill and the protection of the people from those who would manipulate elections, for protection even from fraud. Delegate Dovell, of course, had no purpose to invite or even to condone fraud, but it is not a matter of intention. Where there are no effective

laws against fraud and no effective laws against manipulation there will be fraud and manipulation. The senate will again have to undo hasty and ill-considered house legislation, or the senate failing, the governor will have to check both.

NEGRO VOTERS SHOW INCREASE HERE THIS YEAR

125 More With Paid Poll Taxes Than Last April

311-17-34

Portsmouth Bureau (Reprinted from last week's Home Edition) Portsmouth's 414 colored voters expressed but mild interest in the state Congressional election according to activities observed about the various polling places of the city at Tuesday's election.

The 414 Negroes now included on the paid poll tax list represent an increase of 125 over the list compiled prior to the city councilmanic election last spring when just 289 were listed, according to records in the office of the city treasurer. The total number on the eligible voting list including both races, now totals 6,029, representing a total increase of 74 over the total for November of last year.

According to figures in the city treasurer's office the qualified number of white men and women is lower this November than last while the number of colored voters has increased as indicated. Of the 414 colored voters 284 are men and 130 are women.

Race political leaders are elated at the increase in colored voters and are nursing hopes that by 1936, when there will be three general elections, the list of qualified colored voters will have increased to 1,000.

According to records, the teachers of the city's colored public schools are represented nearly one hundred per cent on the list of those with paid up poll taxes. Citizens are urged to pay their poll taxes for 1934 which are now due, thereby remaining on the list of preferred citizens.

Supp. page.

RICHMOND, VA.
NEWS LEADER

MAR 27 1934

STRENUOUS 7-DAY CAMPAIGN OPENS

Many Speeches and Meet-
ings Are Scheduled Be-
fore Primary Date.

A neck-and-neck race for some of the twenty seats in the common council, with the odds in some instances in favor of new candidates, features the last week of the Democratic primary campaign, beginning today.

Reports of a definite movement to defeat the re-election of at least five members of the common council at the polls Tuesday are apparently well-founded and the opposition shows considerable strength, although each of the candidates marked for defeat declares he is confident of re-election.

Meanwhile, a strenuous seven days campaign opens today with both incumbents and new candidates slated to appear before the voters at a series of political club meetings and private home sessions in every section of the city.

In Clay ward three councilmen face strong opposition with one in Lee ward and one in Madison ward fighting a movement to oust them because of their votes on certain issues since the last election.

Basis of Opposition.

This opposition, much of which is reported to center around political active employees in one of the city departments, is based on a number of issues as follows: The vote of the incumbents on the real estate tax reduction, their vote on the confirmation of the director of public safety, the wage cut for city employees and the announced stand of some of the members on the cut in the school appropriation and the raise in water rates.

The political calendar as it stands today is as follows: Voters meeting at the William Fox school tonight at 8 o'clock under the auspices of the League of Women Voters. Each

candidate to be given five minutes on the platform.

Rally for Charles A. Somma, Lee ward candidate for the common council to be held at Mr. Somma's offices in the state fair grounds.

Meeting for Clay ward candidates at 601 China street, when the candidates will be the guests of Joe Clayman and given a chance to present their views.

Meeting of the Brookdale Civic Association on Thursday night at the Ginter Park school, when candidates are invited to present their views particularly on the subject of bus service and street improvements.

Clay Ward Rally.

Clay Ward Democratic Club rally the twenty seats in the common council, with the odds in some instances in favor of new candidates, features the last week of the Democratic primary campaign, beginning today.

A large Negro vote in the primary is the object of the Richmond Democratic League, which has planned four meetings for the current week and will conduct a house-to-house canvass in the Negro sections in the effort to bring qualified Negro voters to the polls on April 3.

The league has already held a number of meetings at which white and Negro civic workers spoke on the issues confronting the voter in the primary campaign, according to Roscoe C. Jackson, president. The organization has seven branches, three in Jefferson, two in Madison and one each in Clay and Lee wards. Each unit has its own officers.

Grand Jury Refuses To Indict Pair

Election Judges In
Hampton Cited By
Dr. T. W. Turner

The far-flung effort to erase il-
legal and extra-legal barriers to

the voting of qualified colored citizens in Southern States received at the River Precinct at Hampton. His wife, who recently died after a serious illness, was also turned down by the officials.

It was charged in the presentment that the two judges "did wilfully depriving Dr. Thomas W. Turner, noted scientist and head of the biology department at Hampton Institute, of his civil liberties secured and protected by the Constitution of the United States. . . by refusing to supply and furnish him with an election slip to vote," although he was qualified in every way.

The presentment put before the grand jury also charged that Dr. Turner was denied the vote solely because of his color and race, under the now discredited party ruling that only "all white persons interested in the Democratic Party in Virginia are eligible to vote in the party's primary."

Norfolk's Papers Comment

An interesting reaction to the finding of the grand jury is found in an editorial in the Norfolk Ledger-Dispatch, a daily newspaper, which while being generally liberal on questions of this sort, has not always been unequivocally for the right of all qualified persons to vote. The editorial states: "Down-the-line Virginia Democrats, whether election officials or not, may not lay any flattering unction to their souls because of the refusal or failure of a grand jury in the United States District Court to return a true bill against two judges of election growing out of their alleged refusal to permit a Negro to vote in the Democratic primary in Hampton last August, merely because he was a Negro."

"For whatever were the circumstances that led the grand jury to decline to return a true bill in this particular case, there can no longer be any question as to the right of otherwise qualified Negroes to participate in legalized primaries."

Says Right Established
The editorial then recalls that that right has been judicially declared in Virginia by Federal Judge D. Lawrence Groner and in a state court by Judge Spratley, and has been upheld in "slightly changed circumstances" by the U. S. Supreme Court in cases reaching it most recently from Texas, on the basis of the U. S. Constitution.

Charges Against Officials

E. C. Blackmore, of Hampton, one of three election judges, was a witness, and testified once. It was this judge who voted last August to permit Dr. Turner to cast his ballot in the Democratic primary, but was overruled by W. A. Crockett and W. R. Taylor, who were professors in his complaint to Federal authorities.

The precinct in which Dr. Turner

the U. S. Constitution.

If the party could bar Negroes, the Democrats or Republicans could make and enforce any rules they might please. . . They might provide, for example, that only men should vote, or that only women wearing comedy hats should vote, or that only men who swore they had never tried to croon should vote," the Ledger-Dispatch says.

Dr. Turner's and Mr. Wilson's cases, while they selected different courts are almost parallel. Mr. Wilson was refused the right to vote at the Courthouse Precinct in Hampton in the same election. When he was turned down he sought a writ of mandamus from Judge Spratley to compel the judges to allow him to vote.

Judge Spratley refused on the grounds that judges had authority to prevent any person from coming closer than 40 feet to the election booth except to vote and that the sheriff could not therefore summon the election judges to court and the court had no right to interfere with their duties on the day of election.

Subsequent to this Mr. Wilson brought suit for \$5,000 damages against three election judges, who were not those affected in the Turner case. He was awarded nominal damages of \$5 when Judge Spratley held that the Democratic Party had no right to bar a Negro from a primary simply because of his race, if he otherwise was qualified to vote.

Two Jurors Assist

In Election Trial

NORFOLK, Va.—Two colored men sat on the grand jury which failed to indict two white election judges of Hampton, for barring colored voters in last August's Democratic primaries. Dr. Thomas W. Turner of Hampton was the complaining witness. The jury refused to find a true bill.

Determined To Violate Their Own Law

THE grand jury in the United States District Court that failed to find a true bill against the two Hampton election judges who refused to permit Dr. THOMAS W. TURNER to vote in the last Democratic primary, are on a par, in their respect for law and judicial decisions, with the Hampton petit jury that refused to bring in a verdict for another complainant in a civil action, and whose verdict for the defendant election judges was set aside by Judge C. VERNON SPRATLEY. In both cases, the law and judicial decisions, by the United States District Court, the Virginia Supreme Court of Appeals, and the U. S. Supreme Court, were on the side of the complainants.



DR. TURNER

Negroes are going to fight, without stint or limit, this unabashed determination to deprive them of their legal rights.

Everybody knows, of course, that in their 1902 Constitutional Convention, the Virginia Democrats did not mean to stop merely at disfranchising ignorant and propertyless Negroes, and that they did not mean to accomplish their ends by altogether fair and legal ends. Although fraud, as defined at the time by Mr. CARTER GLASS, author of the plan, who is now United States Senator CARTER GLASS, took the form of discrimination.

In response to an inquiry as to whether the disfranchisement of Negroes was not being accomplished by "fraud and discrimination," Senator GLASS is quoted by a historian of the period as having replied: "By fraud no; by discrimination, yes. But it will be discrimination within the letter of the law . . . Discrimination! Why, that is precisely what we propose; that, exactly, is what this convention was elected for—to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every Negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate . . . It is a fine discrimination, indeed, that we have practiced in the fabrication of this plan."

That doctrine promulgated and handed down by Virginia's Senator CARTER GLASS, as spokesman for Virginia's disfranchising convention 32 years ago, has been knocked into a cocked hat, not only by binding decisions of the United States Courts—District, Circuit, and Supreme—but by the Supreme Court of Virginia, in the very original action with which the District Court grand jury was concerned last week. It is a bold determination to support a violation of law—a violation of their own law—that is being expressed in certain quarters of Virginia, and by certain persons prominent in the Democratic Party.

RICHMOND, VA.
TIMES DISPATCH

MAY 8 1934

Move to Indict Party Primary U. S. Grand Jury Returns 'Not a True Bill' in Negro Voter's Complaint

Cites Constitution

Fundamental Right Lost, Institute Educator Says

NORFOLK, VA., May 7—(P)—An attempt to have two white election judges in Hampton indicted on a charge of depriving a Negro of his civil rights and liberties by refusing to allow him to vote in the Democratic primary last August 1, failed in United States District Court here today. When a grand jury composed of eighteen white men and two Negroes returned "not a true bill" in the case.

The complaining witness was Dr. Thomas W. Turner, Negro, who is a member of the faculty of Hampton Institute. The two white judges named defendants in a presentment made by District Attorney Sterling Hutcheson were W. A. Crockett and W. R. Taylor, two of three election judges in charge of the River precinct voting booth at Hampton for the Democratic primary.

What happened in the grand jury room, of course, was secret, and the details of the investigating body could not be learned, but the grand jury refused to indict the election judges.

It was charged in the presentment that the two judges "did wilfully subject and cause to be subjected one Thomas W. Turner . . . to the deprivation of his rights and liberties secured and protected by the Constitution of the United States . . . by refusing to supply and furnish him with an election slip to vote," although he was qualified to vote.

Dr. Turner himself was the principal witness before the grand jury.

E. C. Blackmore, another election judge serving with Mr. Crockett and Mr. Taylor, also was a witness. It is understood that he was in favor of allowing the Negro to vote last August. A special agent of the division of investigation, United States Department of Justice, and a Negro attorney, also were witnesses before the grand jury.

Judge Urges Enforcement

NORFOLK, May 7—(P)—There is growing feeling among the better people of this country that bootleggers have turned their activities to other channels since repeal of the Eighteenth Amendment. Federal Judge Luther B. Way declared in his charge of the May grand jury in his court here today.

"You will find, however," he said, "that there are some internal revenue cases, involving the possession, manufacture and transportation of liquor on which no tax has been paid, for your consideration. I hardly feel it necessary to tell you it is important that the revenue laws be rigidly enforced and upheld. But this is important to prevent any increase in the tax burden of the people. The revenue laws should be enforced just as rigidly as the narcotic law or any of the others."

"There is a feeling that many former bootleggers are turning to counterfeiting, and extortion; that is, use of the mails to extort money from people, and other crimes. It is necessary that the currency be protected and that every man may know when he picks up a coin or piece of currency, it is genuine and real. You are a part of this court and must help in stamping out any criminal activity against the United States."

The grand jury returned indictments against thirty-three persons and not true bills in the case of five. The charges on which the defendants were indicted ranged from escaping from prison camps to forging government checks, counterfeiting, Mann act cases and internal revenue violations.

STATEN ISLAND, N. Y.

ADVANCE

JUN 9 1934

NEGROES SEE FETHERSTON

Richmond County's Negro Democrats presented their demand for recognition yesterday to former Judge William T. Fetherston, patronage dispenser for the Democratic Party and Postmaster Farley's unofficial spokesman on Staten Island. They came away without definite promises but satisfied with their reception.

The claims were presented by a delegation from the Richmond Borough Colored Democracy Inc., a club that recently succeeded in bringing within its ranks all Negro Democratic factions that split over the last election. The committee conferred with Judge Fetherston in his offices at 57 Bay street, St. George. "We are satisfied with what Judge Fetherston told us," Phoenix Armstrong, president of the Colored Democracy and leader of the delegation, said after the conference.

"He told us that he was not going to fill us up with a lot of promises that he could not keep. But he told us that we could present our qualifications, and we would be given as much consideration as anyone. We believe that he will do it, and we are satisfied if he does."

Armstrong was accompanied by William Lambert, chairman of the club's advisory board; George A. Dorsey, secretary of the board; and Alex Allison, a board member.

The delegation explained to Judge Fetherston that it had called to reach an understanding on what recognition would be given to Negro voters. Since the club's organization in 1911, Armstrong explained, he had never made a concerted effort to win federal patronage; now, however, times are bad and assistance is needed.

PAY YOUR POLL TAXES

THE RICHMOND PLANET takes this occasion to again remind its readers of the importance of paying their poll taxes. It is much easier to pay these taxes each year than to allow them to accumulate because no important election is in the offing. Failure to pay your 1935 tax bill may prevent your voting in the important mayoralty election in 1936. Five thousand Negro voters in this election can correct many of the present abuses and discrimination in the administration of Federal recovery and relief measures.

Political - 1934

Virginia

Supp. age.

My Suggestion Is . . .

By GEORGE STREATOR

THE EDITOR of the Journal and Guide has often asked the question, "Why don't Negroes vote?" It is a fine question. Why don't they? There are many reasons, but I think one of the most logical is that Negroes are afraid to vote even in the sections where voting is allowed.

What class of Negroes is afraid to vote? The answer is, "several classes." To begin with, the educated classes are afraid to vote. They are afraid for many reasons. The first is, of course, the white folk. They are afraid to encourage the displeasure of the white folk. There is no denying that the days of the Ku Klux Klan are vivid in the memory of the old Negroes, but what of the present generation, out in the world for less than twenty years? What of the young professional men, the lawyers, doctors, undertakers; the more solid economic classes like the tailors, Pullman porters, insurance men, school teachers, and preachers? Are they too afraid? Yes.

Amusing and Numerous

Now the fears of a Southern city are numerous and sometimes very amusing. Consider the Political Uncle Tom. I know a man who goes regularly at election time to tell the whites that he can deliver the Negro vote. The same man runs around cautioning the Negroes—except his henchmen—not to vote; that the white folk will not like it. As a result, he keeps for himself a clique which he can "deliver." The clique is worth about two hundred a year to this otherwise employed parson politician. The clique gets a bottle of cheap gin and about two dollars a head. The women get ego-satisfaction.

This race leader has simply got his friends buffaloed. But there are other types. Most school principals and presidents in the South are in politics. Some of the big men like Dr. Moton are in on the distribution of patronage to Negroes. The little fellows look for contributions to their schools. In the old days when mail order business was good, a vote cast for the Republican ticket often met a good donation to the endowment fund. Ask any honest private school man about this. Nowadays the swing is to the

Democrats, but the tactics are about the same

Not Contradictory

Am I getting contradictory? Not at all. The fellows who are active in this sort of politics are never eager to get a large number of votes cast. They are simply figure heads who want the "better class of colored people" to vote. This means an easily controlled electorate. In other words, "we" leading colored folk are always helping to keep the vote small.

One school principal of small caliber out of one hundred in the South, even in the large places, would dare urge his students to get interested in voting. What the lazy fellow will do, however, is collect a fee small local politicians for the deliverance of the faculty vote. I have seen that done, too.

Scene Changing In North

Up North the scene is changing. All politics are rotten enough here, so one can begin talking about reform and Socialism. But in the South, the task for a generation is the smashing of the alliance between white politicians and small fry "big" colored men. In the North, politics are played by men who know the game. The Mortons, Waltons, DePriests, Bundys, and the like, are now well enough along to begin to answer for their sins as politicians. In the South, we have got to nurse along the Negro for many years until he can get over that fear of putting marks on a piece of paper right where the white folks and the white folks Negroes can see him.

Yes, in the South, so much is tied up with the antiquated schoolmen that no real recovery is possible until we Negroes make the going hot for the systematic sell-out of colored people by endowment seekers and closed-door radicals. And when I say "antiquated" I do not make an age classification. Many of the New Negroes are as antiquated mentally as you make them.

But We See in the Papers:

That a heretofore obscure lawyer in Chicago has sent his picture to the Chicago Defender (that emi-

nent race journal which has money enough to buy a first class plant without many colored printers) as a candidate for the legislature. What are his campaign issues? "Resolved that Dubois should be fired from THE CRISIS." This is one of the jokes of the year.

This otherwise pleasant looking young man is running on the hope that a segregated Negro vote will elect him from a segregated Negro district on a platform denouncing an advocate of the use of the segregated Negro vote!

And some people argue that education is the thing taught in schools!

Tears Availeth Not; Votes Bring Results

A CORRESPONDENT sends us a letter addressed to "THE JOURNAL AND GUIDE and the Colored Citizens of Norfolk," and in it he deplores the staffing of a second ABC Board liquor store in a Negro-populated district with all-white personnel. His letter is logical and his criticism of the authorities responsible for the denial of this specific employment opportunity in a situation where the denial is doubly noticeable has the merit of factual presentation. He goes into the circumstances involved thoroughly and concludes that the remedy is the use of the ballot.

But like so many others who cry out against injustice, this worthy reader is preaching what he does not practice, so far as an examination of the poll tax lists reveals. His name is not there. His name is not on the list of qualified Norfolk voters.

An adequate comment on this is provided in the following quotation from the Philadelphia Tribune:

"While it is true that colored citizens suffer injustice because of prejudice, many of their ills are due to their lack of the use of the ballot.

"They complain because they do not occupy places of importance in state and city governments. Their tears flow because of unfair treatment and unemployment. Tears affect some people, but not politicians. Votes are the only things that will make a ward leader sit up and take notice."

The reader who sent us the lengthy and well-written complaint is to be complimented on his interest in the well-being of his fellowmen. He is to be praised for his initiative in expressing this interest. He is right about the remedy for many of our ills. But he is wrong in letting his remedy remain a theory. "Use the ballot" is a principle that brings results only when put into practice. That applies to all who are not qualified to vote and who, when qualified, fail to go to the polls and fulfill their obligation as citizens.

LYNCHBURG, VA. NEWS

DEC 16 1934

LIMITING THE ELECTORATE (Richmond Times-Dispatch)

The framers of the constitution, with the Negro bugaboo before them, envisioned a future when the voting privilege would be exercised almost exclusively by white citizens. The generation which has succeeded them has modified that view. Liberal Virginians of today believe that intelligent Negroes, with an intelligent interest in public affairs, should not be the object of discrimination in the matter of voting.

Aside from that, however, the poll tax requirement in Virginia is of such stringency as to result in the disqualification for balloting of thousands of citizens whose voices, for the good of the state, should be heard in the determination of public questions. This newspaper hesitates to say that the prerequisite should be abolished, though the day may come when we shall consider that action the part of wisdom. A small electorate, even if it be a highly intelligent electorate, is more easily controlled by political bosses than a large one. And while the democratic machine in Virginia has been, on the whole, a beneficent influence, anything resembling an oligarchy is repugnant to American institutions.

The crux of the whole matter is that too few Virginians register their will at the polls. This is a situation which endangers true democracy. A few key men rule the state. That was never intended under our system of government.

Our Shrinking Voting List

ACCORDING to figures published last week Norfolk's qualified voters have been gradually shrinking in number since 1928, when it reached a total of 25,000. The number of persons who have paid their poll taxes this year and may vote in the November election, providing they are registered, is 17,235, of whom only 675 are colored. *18 weeks*

In 1932 1,000 members of the race paid the poll tax. The following year the number dropped to 782. This year further shrinkage has carried the number down to the lowest point in many years.

Maybe the depression has had much to do with the shrinkage. It is reflected in both races. The result is a small electorate, and a still smaller treasury from the capitation tax source.

There is no good reason why we should not make a better showing. We loudly bewail our civil disabilities, but fail to take the first step toward remedying them. Very few groups of any race in this country who do not take the pains to make themselves of some importance politically receive any considerations at the hands of those who control the government. A voteless people are a helpless people politically and have no influence with anybody. Politics is, after all, an economic lever. An intelligent minority, using its political influence discreetly, has a better chance to improve its position economically than a voteless minority with ever so many philanthropic friends.

Political - 1934

West Virginia

Suffrage

WEST VIRGINIANS Disfranchisement FEAR POLL TAX of Voters Seen as PLAN IS TRICK Aim of Proposal

Drive Launched To W. Virginia Constitution-
Defeat Change In
Constitution
10-6-34

Special to Journal and Guide
CHARLESTON, W. V.—At the regular meeting of the Charleston branch of the National Association for the Advancement of Colored People, last week, a campaign was launched to defeat a proposed amendment to the constitution of West Virginia providing that the Legislature shall levy an annual capitation tax of one dollar upon each inhabitant of the state who has attained the age of twenty-one years.

The tax would be annually appropriated to the support of free schools, and payment of such capitation tax and the presentation of a receipt therefore may be made a qualification for voting in all elections in such manner and form as the legislature may by law direct.

Fear Disfranchisement

When the executive committee of the branch presented its resolution demanding that the branch lead the fight in the state for the defeat of the poll tax amendment, as it was similar to the poll tax by which southern states disfranchise millions of Negroes, there followed a full approval of the action of the committee.

The branch was directed to send questionnaires to all candidates on both the Democratic and Republican ticket, asking them their position on the amendment, and to launch a statewide campaign to defeat it.

It was the general feeling that the passage of the proposed constitutional amendment and the enactment by the legislature of measures to carry out its intent would mean practically the disfranchisement of thousands of Negroes who now hold the balance of power in West Virginia. The association has already launched its fight and will keep it up until election day.

al Amendment Would
Nip Colored Vote.
10-27-34

POLITICIANS ARE
TOLD OF OPPOSITION

Measure Compared with
Grandfather Clause.

CHARLESTON, W. Va.—A vigorous fight is being waged throughout the state of West Virginia against the proposed poll tax amendment to the state constitution requiring all voters to exhibit a poll tax receipt before they can register or vote. The proposed amendment, whose professed purpose is the elimination of floating votes, is generally considered as an effort to break the power of colored voters of the state.

Great Opposition Expressed
The colored vote is known to constitute the balance of power in West Virginia and it is the belief of backers of the poll tax provision that thousands of these voters would be either unable or too thoughtless to pay their poll tax and thus be disfranchised.

Major candidates on both the Republican and Democratic tickets are receiving overwhelmingly unfavorable response to questionnaires sent out to determine the popular standing on the proposal. Present indications are that the measure will be defeated when it comes to a vote.

Likened to Dixie Plans
Attention is being called to the similarity of purpose between the poll tax amendment and various

other methods of disfranchising colored voters in southern states including the grandfather clauses and laws requiring the interpretation of federal and state constitutions.

Another method of keeping voters away from the polls, to which opponents of the new proposal are calling attention, is the Wilson ballot law, passed in Maryland some years ago, but eventually abandoned because it also served to disfranchise a large number of whites.

When, And To Whom Is A
Court Decree Final

IT IS A generally accepted doctrine that a law is no stronger than the public sentiment that supports it. That was demonstrated to the edification, if not to the satisfaction, of all in the case of statutory prohibition. Where the people really wanted prohibition they had it; where they did not want it, there was no prohibition.

It has been impossible, so far, to get a Federal anti-lynching law through the Congress, because there is not sufficient public sentiment to compel the enactment of such a law. And if and when such a law is enacted, unless there is a wholesome, overwhelming public sentiment behind it in the South, it will be just about as effective as legalized prohibition is effective today in the politically dry but otherwise wet states of North Carolina, South Carolina and Georgia.

But the axiom as to a law made by a legislative body does not hold good in the matter of an interpretation—a ruling or decree—as to the law handed down by the Supreme Court of the United States, or of the State of Virginia, for instance. But some persons charged with the responsibility of enforcing the laws, or administering the laws, seem to have confused the functions of the legislative with the judicial powers, and have associated popular conceptions of law as made by a legislative body with its interpretation by the highest courts.

Thus, we find registrars in some parts of Virginia still flunking out educated people in Virginia under the "understanding clause" of the election law, which was declared

unconstitutional, null and void, in a decision handed down by the Supreme Court of Appeals of Virginia in the case of DAVIS vs. ALLEN in 1931.

A few days ago a woman who is employed as a supervisor of instruction in one of the Virginia counties told the writer that she was recently denied registration. Under the law as interpreted by the Supreme Court of the State there are no grounds under the sun, and nothing whatsoever in the State election laws, under which a registrar could legally deny that woman the right to qualify as an elector, and in so denying her the registrar violates the law and defies the decree of the highest court of the State.

If that was brought to the attention of the Judge of the Circuit court of that county, or to the attention of the Commonwealth Attorney, the registrar might be deemed that he is exceeding his authority, or violating the law, in denying registration to the eligible elector in question. But who is going to bring the matter to the attention of the authorities in question? Must it be necessary for this woman, who, by the way, owns property and is a taxpayer in three counties, to jeopardize her job in a backward rural county in order to be safeguarded in her legal rights? Ostensibly it is her duty, of course, to report the registrar, or to bring legal action against him, but it ought not to be necessary for her to do so in view of the ruling of the Supreme Court of Appeals in the case of DAVIS vs. ALLEN.

The election machinery of the entire State is controlled, instructed, directed, and divested, when necessary, by the Democratic party organization. Here is a matter that the organization should give its attention to. Educated and otherwise qualified Negroes in Virginia wish to be spared the necessity of bringing a lot of law-suits against irreconciled registrars. The path is all cleared for this. The

understanding clause is as dead as the grand-father clause. And it met its death at the hands of the Supreme Court of Appeals of Virginia, and not in a Federal court, as was true of the grand-father clause. It appears that there is still some doubt as to when, and to whom a decree of the Supreme Court is final in Virginia.

Current Comment

Our Voting Prerequisite

From Richmond Times-Dispatch

At least two Virginia newspapers recently revived the question whether payment of poll taxes, as a prerequisite to voting, should be continued as a State policy. This is now a mandate of the Constitution, written into the instrument which was fashioned in 1901-02, largely for the purpose of disfranchising the Negro. Its abrogation has been proposed in some quarters, principally on the ground that it is one of the chief factors responsible for the absurdly small vote polled in Virginia elections. On an average, less than half the Virginians who are otherwise qualified for the franchise, cast their ballots on polling day.

The Bristol Herald-Courier has advanced the opinion that the poll tax—an annual assessment of \$1.50, the proceeds of which go largely for the operation of the public school system—should be retained as a levy, but that its non-payment should not constitute a barrier to voting. Against this view is that of the Petersburg Progress-Index, which believes that it would be wise to continue, with modification, the present policy. The Southside paper suggests that the time limit for paying the tax, as a prerequisite to voting, be reduced from six months to 30 days before election.

This is a question which might be argued reasonably at length on both sides. The framers of the Constitution, with the Negro bugaboo before them, envisioned a future when the voting privilege would be exercised almost exclusively by white citizens. The generation which has succeeded them has modified that view. Liberal

Virginians of today believe that intelligent Negroes, with an intelligent interest in public affairs, should not be the object of discrimination in the matter of voting. This is an obstacle, however, that conceivably could be overcome by

Aside from that, however, the appropriate measures. Besides poll-tax requirement in Virginia is the voter, in order to participate of such stringency as to result in a primary, would be required to the disqualification for balloting of produce tax tickets for two of the thousands of citizens whose voices, three years prior to the next election, for the good of the State, should

be heard in the determination of public questions. This newspaper hesitates to say that the prerequisite should be abolished, though the day may come when we shall consider that action the part of wisdom. A small electorate, even if it be a highly intelligent electorate, is more easily controlled by political bosses than a large one. And while the Democratic machine in Virginia has been, on the whole, a beneficent influence, anything resembling an oligarchy is repugnant to American institutions.

Perhaps, after all, however, the proposal of the *Progress-Index*, in the matter of the poll-tax prerequisite, is more acceptable as an experiment than that of the *Herald-Courier*. Ours is a limited democracy, in that the people themselves do not act directly in affairs of state, but speak through their chosen representatives. If these representatives are not qualified to discharge the business of government, limited democracy fails. The poll tax, as a prerequisite for voting might be continued as an earnest on the part of the citizen that he is interested in community affairs and may be expected to cast his ballot intelligently and with due regard for the issues and personalities involved in the election.

However, the six-month period that is required to elapse between payment of the tax and the casting of a ballot in the general election, seems too long a period, even for the most civic-minded Virginian. State taxes are supposed to be paid before December 5. If this were done consistently by every registered voter, there would be no question as to his or her voting qualifications. But the truth is that, for one reason or another many citizens fail to pay by this date, thus incurring the penalty for that failure. If they have not made good the obligation six months prior to the election the following November, they have forfeited their right to vote.

Thirty days appears as an ample time limit. It is true that, under such an arrangement, voters who

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